

Mallard Pass_CAH1_14 July_PT1

Created on: 2023-07-14 11:19:09

Project Length: 01:51:20

File Name: Mallard Pass_CAH1_14 July_PT1

File Length: 01:51:20

FULL TRANSCRIPT (with timecode)

00:00:05:04 - 00:00:36:18

Okay. Good morning, everybody. It's 10:00, and I'd like to welcome you all to this compulsory acquisition hearing. This is part of the examination of the application by Mallard Pass Solar Farm Limited for a development consent order for the proposed Mallard Pass Solar Farm. Can everybody hear me okay? And I'm assuming that the video live streaming has commenced. Thank you. My name is David Cliff and I've been appointed by the Secretary of State to be the lead member of the panel to examine this application.

00:00:37:17 - 00:00:40:00

I'll also get my colleague to introduce himself.

00:00:41:17 - 00:01:15:12

Good morning. My name is Mark James, and I've also been appointed as a member of the panel and together we constitute examining a variety for this application. Following our examination will be reporting to the Secretary of State for Energy Security and Net-zero who will be responsible for making the decision. Also present today, Michelle Gregory to my right and Ben Chan and Josh Waldron, who are from the Planning Inspectorate case team. Uh. As always, please keep all devices and phones to silent. Uh, I think everybody here probably knows the location of the toilets, but they're out there back in the air.

00:01:15:24 - 00:01:29:18

Or simply that door and some through that door in the main foyer. No fire test planned for today. And the fire escapes are to my left through this door and back through the main entrance way on the right hand side.

00:01:31:06 - 00:02:02:25

Okay. Again, forgive me for going through the sort of detail of the openings for those who've heard this probably 3 or 4 times at least. But we might have other people who are watching this on online with us today. So the meeting will generally follow the agenda published on the relevant part of the Planning Inspectorate page website last Tuesday, and this has been displayed on the screen. Thank you. We will probably keep, by and large, I think, to the agenda today is maybe possible that we might add 1 or 2 other considerations or issues as we progress.

00:02:02:29 - 00:02:26:20

We'll conclude the hearing as soon as all relevant contributions have been made and all questions asked and responded to. But if discussions can't be concluded, then it may be necessary for us to prioritize matters and defer other matters to further written questions and or further compulsory acquisition hearing, which may take place in the week beginning the 25th of September, depending on whether or not it is required and.

00:02:29:00 - 00:02:55:05

Also, as I've said before, if you feel you need to go away to consider an answering further detail because you've not got the information before you, then it is possible to provide a written response by

deadline for. Obviously let us know that that is an issue for you. And today's hearing is being held in a hybrid or blended way. Meaning we've got people in the room and people who are joining us online via Microsoft teams. So welcome those people and.

00:02:57:16 - 00:03:16:27

However, you've decided to rejoin. To attend today, we will endeavour to give a fair opportunity for you to participate. A recording of the hearing will be made available on the Planning Inspectorate website. With this in mind, please speak clearly into the microphone and always say who you are and who you're representing each time you speak.

00:03:19:14 - 00:03:22:23

And keep your microphones muted, please, when you're not speaking.

00:03:24:09 - 00:03:52:26

A link to the planning. Inspectorate's Privacy Notice was provided in the notification for this hearing, and we assume that everybody here today has familiarise themselves with this document which establishes how the personal data for our customers is handled in accordance with the principles set out in data protection laws. Think we can? Concerning matters today regarding compulsory acquisition, just bear in mind about whether or not you want to actually let personal information go into the public domain, bearing in mind the data protection regulations and.

00:03:54:25 - 00:04:33:29

Now the purpose of the compulsory acquisition hearing. The proposed development includes a request for an order granting development consent to authorise compulsory acquisition of land or compulsory acquisition of an interest in or a right over land. Now, the first session of this hearing is to enable the examining authority and others to hear the applicant's strategic case in respect of the application. And we may have questions and the opportunity for parties to have questions too. And we'll also be considering a session. One other matters, including the relevant draft development consent order provisions funding human rights and the public sector equality duty.

00:04:34:10 - 00:05:06:11

Subsequently in Session two. This is primarily for the examining authority. To hear individual objections from affected persons who are interested parties with a legal interest in the land or rights over which the applicant is seeking powers of compulsory acquisition and or temporary possession. The loss of an opportunity to consider outstanding compulsory acquisition related matters for statutory undertakers and the hearing will help us to consider whether relevant legal and policy tests applicable to compulsory acquisition and temporary possession proposals have been met.

00:05:07:25 - 00:05:41:13

Now, moving on to introductions, can I first ask the applicant to introduce its team? And Mr. Fox? Yes. Matt Fox, Attorney Mason's legal advisor to the applicant, accompanied by Gareth Phillips, partner at Masons and Peter Roberts, director at WD. On the online, we have Richard Green from Window Energy who may speak in Session two.

00:05:48:05 - 00:05:51:20

Okay. Thank you. And welcome, everybody. And.

00:05:56:04 - 00:06:26:28

And I'm not going to ask those affected persons or firstly, those in the room who have given notice of their intention to speak today, to introduce themselves. And when state your when you introduce yourself, please, please give your name and who you represent and provide a brief summary of your interest in the land which would be affected by the proposed development. And it'd be also be helpful

if you could indicate how you would wish to be addressed. So I'll deal with those people in the room first.

00:06:30:13 - 00:06:46:04

It's like it's on my list that I've got, actually, because I think also there's probably. People who are want to speak on behalf of other people. Am thinking looking at Mrs. Holloway in particular. But in terms of the affected persons and.

00:06:48:10 - 00:06:50:15

Mrs. Woolley, you're here today. Shall we start with you?

00:06:52:07 - 00:07:13:13

Good morning. And thank you. My name is Helen Woolley. I'm happy to be addressed as Mrs. Woolley. I will be representing both Mallard Action Group, but also speaking as an infected person. I have category one and capital category three issue status identified in correspondence with the applicant.

00:07:16:22 - 00:07:19:03

To help you. We live on the Northwest part. Yes.

00:07:19:24 - 00:07:20:19

Yeah, I'm.

00:07:22:18 - 00:07:31:05

It's. And it's. Plot 0116. I understand. And obviously your Category three as well. Okay. Thank you.

00:07:38:24 - 00:07:44:22

Right now we have. Do we have a mr.. Beamish with us today?

00:07:48:03 - 00:07:49:15

In the room or online.

00:07:51:01 - 00:07:52:21

Or Mrs. Beamish.

00:07:55:21 - 00:07:56:23

No. Okay.

00:08:06:27 - 00:08:09:18

We think he may be a B online.

00:08:09:22 - 00:08:13:19

Right? Mr. Beamish, are you are you listening? Are you with us online?

00:08:23:25 - 00:08:31:19

Sorry. It's not what he could. Can't read the name. The AP. Uh, no, it's not. It's not, Mr. Beamish.

00:08:35:00 - 00:08:41:27

Okay. If Mr. Beamish does join us during the course of the the day, then we will. We will. We'll pick that up and.

00:08:45:13 - 00:08:46:15

Mr. Williams.

00:08:50:13 - 00:08:51:05

Okay.

00:09:14:07 - 00:09:16:13

Okay. Now, Mr. Burchfield.

00:09:18:08 - 00:09:30:10

Good morning, sir. I'm Trevor Birchfield, on behalf of the West Indian Parish Council. Please call me Mr. Birchfield. And we are here relevant to plot number 0287.

00:09:30:29 - 00:09:31:29

Yeah. Thank you.

00:09:35:04 - 00:09:40:03

And note that we also have a representation from the

00:09:41:28 - 00:09:53:19

Indian Village hall. Obviously not an infected person, but did write a representation which regarded compulsory acquisition issues and

00:09:55:10 - 00:09:57:24

that Mrs. Dansby, who's S.B. Sorry.

00:10:00:29 - 00:10:14:24

Oh, yes. My name is Mrs. Odell Stansbury. Please address me as Mrs. Stansbury. I am the chairman of Sundown Village Hall and we are affected by compulsory acquisition along a large frontage of the village hall.

00:10:15:03 - 00:10:24:27

Okay. And you're not yourself in affected person, but can you just explain just for everyone so it's absolutely clear what the relationship is between Sundown Village Hall and the parish council?

00:10:25:06 - 00:10:50:00

Yes, I am the appointed person to run, as with the management team, the village hall, but the parish council are the custodian trustees of the village hall. And therefore they and we work in close proximity to ensure that everything runs smoothly. But they are custodian trustees essentially.

00:10:53:00 - 00:10:54:24

Okay, That's helpful. Thank you.

00:10:59:21 - 00:11:03:26

Right. And. We haven't got Mr. Orvis here today, have we?

00:11:07:21 - 00:11:08:12

Okay.

00:11:10:08 - 00:11:15:23

And I don't believe we have Mr. Carr here, who was also on my list. We do have Mr. Car.

00:11:17:24 - 00:11:26:07

Oh, I see. Okay. Okay. Thank you. If you if you change your mind, then of course. Let me. Let me know. Thank you.

00:11:29:18 - 00:11:30:29

Okay now.

00:11:32:28 - 00:11:39:02

Mrs. Holloway, do you want to introduce yourself to and explain your purpose for for being here?

00:11:40:29 - 00:11:49:21

If they put it that way, it's quite clear why you're here. But just in relation to the because obviously you're not yourself an infected person. But if you could just explain your.

00:11:50:04 - 00:11:50:19

Yes.

00:11:50:21 - 00:12:20:27

Mrs. Holloway, on behalf of my past action group, um, really, our role is to help represent some of the residents who have been grappling with the complexities of the compulsory acquisition rights, what it all means for them. So we're really a place to go to and to talk to and to understand their issues and concerns and hopefully provide some sort of holistic support and represent them.

00:12:20:29 - 00:12:25:13

But we're not providing any legal kind of representation here today.

00:12:26:18 - 00:12:35:22

Okay. Are you intending to make any representations in relation to, for example, the cable route through Sandown on behalf of those affected persons?

00:12:35:28 - 00:12:45:25

I would say we'd be keen to contribute to the conversation discussion today over many areas of it, and particularly in respect of the cable route. Yes.

00:12:46:00 - 00:13:19:28

Okay. What I thought might be quite helpful in the agenda is that if there's obviously agenda item eight is for site specific representations from affected persons or the representatives. But under item seven, the one before I've got an item seven is the applicant to update on cable cable crossing options on the East Coast Mainline railway, which of course we heard that at the first issue, specifically hearing one, I think it was, but it can be a brief summary of that.

00:13:20:00 - 00:13:37:11

But perhaps looking in, explaining more about actually the background and the clarity behind what is being sought to be acquired, etcetera, and that can deal with some of the questions that have been raised and also provide some sort of background. Is that. Ms. Fox Okay. At that point, um.

00:13:38:27 - 00:13:39:14

Okay.

00:13:42:25 - 00:13:51:11

Okay. Those are the people in the room. Any affected parties who want to wish to speak? Who joining us on teams today.

00:13:55:11 - 00:14:02:16

Put your hand up if you are. Think online to. Think we have a Ms. Hewitson from the Environment Agency.

00:14:07:17 - 00:14:21:25

This morning. My name is Annette Hewitson. I am a planning advisor representing the Environment Agency. The agency is a statutory undertaking with apparatus under some of the plots affected by the development.

00:14:23:06 - 00:14:47:02

Thank you. And we've read your representation. And again, looking at the agenda, it's completely up to you if you want to stay for the whole of the meeting from start to finish and that is absolutely fine. But I suspect that your contributions will be most usefully heard under item ten. It's obviously quite late on in the agenda, so it's completely up to you. Yeah, that's correct.

00:14:47:07 - 00:14:51:07

And will drop out until later on in the agenda, if that's okay.

00:14:51:12 - 00:15:02:24

Okay. I mean, if we if we're sort of racing ahead and we get to that sort of quicker than can be imagined, then hopefully somebody can. We can. One of the case team, Gregory, can contact you in order to let you know.

00:15:03:04 - 00:15:04:00

Thank you.

00:15:04:18 - 00:15:07:16

Yeah. Okay. Thank you.

00:15:09:14 - 00:15:13:12

Right. Does that cover everybody who wishes to speak today?

00:15:17:05 - 00:15:18:20

There's somebody else who wishes to speak.

00:15:20:06 - 00:15:20:22

All right.

00:15:22:19 - 00:15:27:07

Good morning. We're just going through introductions and just arriving.

00:15:27:09 - 00:15:27:24

Apologies.

00:15:27:26 - 00:15:30:23

Don't worry. Just want to ascertain. Do you wish to speak today?

00:15:31:21 - 00:15:35:17

My son Richard, who has yet to arrive. He wishes to. Right.

00:15:36:00 - 00:15:48:24

Okay. I'm assuming you're Mr. Williams then. I am. Right. Okay. One of them, Mr. Williams. Thank you. Do you intend to. Is it yourself or your son who's yet to arrive? Who wishes to speak?

00:15:49:01 - 00:15:49:21

My son.

00:15:49:25 - 00:15:52:08

Okay. And that's. Okay. Thank you.

00:15:57:27 - 00:16:10:21

The opportunity for site specific representations won't be till a little bit later on, so it will be a while before that opportunity comes up. So there's no no rush for him to get there in that respect. Okay.

00:16:16:03 - 00:16:20:23

Right. Thank you. So those are the introductions.

00:16:26:23 - 00:16:50:11

General housekeeping or in terms of breaks, we'll be looking to have a short mid-morning break at 1130. Uh, lunch at approximately 1:00. And I want to ensure that we complete today by 330, which hopefully will give everyone a chance, a reasonable chance to to get home at a reasonable hour. Uh.

00:16:58:27 - 00:17:04:25

So before we move down the agenda, does anybody have any questions on what's being discussed so far, including the

00:17:06:21 - 00:17:07:15

agenda?

00:17:15:21 - 00:17:32:21

Okay. Under item ten B think there's a slight typo, which I'm sure Mr. Fox has already picked up, but but b think should be section one, two seven and one section 138 of the Planning Act rather than section 128. Just for clarification on that.

00:17:39:23 - 00:17:43:11

Okay. Item three. Uh.

00:17:47:08 - 00:18:21:25

Just let me state, Mr. Williams, you've just arrived and we've just done introductions, but I believe you're Richard Williams. And I was just saying before that you're probably your opportunity to speak on site specific matters. Oh, not not quite yet. You're welcome to sit at the front later on, but. Or whenever you want, but won't be till later on in session two when we do the site specific representations from affected persons. But obviously if you've got anything you want to say before that and the other matters, then then put up your your hands. Okay. Item three is the applicant's case for compulsory acquisition and temporary possession and.

00:18:23:08 - 00:18:59:17

This is an opportunity for the applicant to present and justify its case for compulsory acquisition. Temporary possession briefly, including addressing the following matters. Mr. Fox, do you intend to take these all or four in a row or separately? I'm happy for you to do all four in a row and then we can deal with any questions that arise. So the first one is whether the purpose is for which powers are sought would comply with Section 1222 of the Planning Act. If the second one concerns whether all reasonable alternatives to CIA have been explored.

00:18:59:19 - 00:19:27:17

That's a strategic overview rather than site specific matters. The third one to see is summary of reasons why the rights are to be acquired are necessary and proportionate, including the applicants, strategy and criteria for determining whether to seek powers for sale of land of rights or of land. And that finally is having regard to section one, 223 of the Planning Act. Whether there is a compelling case in the public's interest for the land to be acquired compulsory and that the public benefit would outweigh the private loss.

00:19:29:05 - 00:19:31:04

Yeah. Can two of them together?

00:19:34:00 - 00:20:05:07

Mr. Fox on behalf of the applicant, so satisfied that the powers of compulsory acquisition and temporary possession that sought in the unnecessary, proportionate and justified and in accordance with all relevant statutory and policy guidance as set out in the Statement of reasons and the powers that the seeking are in compliance with the condition of Section one, 222 of the Planning Act. Because they are it is needed for the development or to facilitate or is incidental to it.

00:20:05:18 - 00:20:32:29

And the key document here is rec 309, which is the schedule of negotiations of powers sought, and that sets out the purposes for which both compulsory acquisition and temporary possession powers are necessary in relation to each individual plot of the land, which is also referenced to the purposes of which is needed and the number worked within the in which it sits. So thinking back to the development that is authorised and therefore showing to be necessary.

00:20:38:27 - 00:21:02:20

The all reasonable in terms of the tests that apply, in terms of the guidance, in terms of reasonable alternatives. We'll come to you in a moment. And in reference to matters of human rights will come to you later in the agenda. As mentioned, the statement of Reasons sections three, five and six set out to the position.

00:21:04:13 - 00:21:42:16

And the negotiations of powers sorts since kind of mingles point eight and and C and D, I would say it's specifically sets out also the types of powers that we are seeking. So we have compulsory acquisition of land which is shown as pink on the land plans, which is full requirement of all all interests and rights in land. And then we have the compulsory acquisition of rights and it's helpful there to look at the schedule negotiations, but also schedule nine of the DCA, which set out the different categories of rights that are being sought by the applicant.

00:21:43:03 - 00:21:47:27

And this includes access rights and this is required where

00:21:49:13 - 00:22:19:21

since again access rights they relate to works on the highway where the works in the highway which are shown on the access and rights of way plans are purely on land such as in the highway boundary, and that is shown as temporary possession, where where the works are only for access purposes. And then there are some plots which are labeled as access rights in Schedule nine, where we need to make amendments to what on the ground is the highway boundary, but has actually shown as registered title for another property.

00:22:19:23 - 00:22:58:01

So the reason that needs to be shown is rights is to enable us to do the works and to maintain those access works into the future. And secondly, we have the vegetation maintenance, right? So this relates to where verges or hedging next to highways or field edges is owned by a different landowner to the

main site, which is next door where that's been shown in pink and where the powers we need are only to ensure that the vegetation continues to fulfil its function that we've set out in the and the landscape ecology management plan.

00:22:58:03 - 00:23:20:22

So the plots where we are acquiring vegetation maintenance rights for those purposes, we then have the the land immediately adjacent to the existing rail substation, which is showing a substation connection rights, and that's essentially to enable the work to be done to connect to the substation.

00:23:24:25 - 00:23:52:18

Then we have the rights and this is where we will need to. There are essentially at various junctions on the approaches to the scheme where we need to be able to go on to mostly highway land to take down signs to enable for the movements and that recognition of rights rather than temporary possession, because that may be needed, for example, during maintenance and also potentially during decommissioning.

00:23:57:12 - 00:23:59:29

I think that is all of the.

00:24:01:27 - 00:24:18:07

Right. So of course, the other one is the cabling rights and apologies. So that's for the plots where we need to undertake cabling under the under the land, which is going to be and is.

00:24:20:16 - 00:24:44:15

Yes, that's what it is. Think the you will see from the land plans and schedule nine and and the schedule and power sort. There are especially for the position of rights plots. There are many plots where we need more than one type of rights to enable that. And that's particularly where cables cross across the roads where adjacent to where we're also doing accesses, for example.

00:24:46:16 - 00:25:17:21

And relate also to the fact that the plots in the book of reference and the land plans are split by dint of the purposes and also by dint of the land interests and any essentially if there is any change in the full extent of land interests in any plot, that means you have to create a new plot, which therefore therefore the rights and the type of rights that we need therefore cross those plot boundaries and hence why you may have more than one plots type of write being mentioned in any one plot.

00:25:19:16 - 00:25:35:24

So the plans and the extent of rights required are consistent with the extent of work shown on the work plans. So where we have cable rights, they are consistent with the work number for cable works.

00:25:40:00 - 00:26:11:06

In terms of whether we're reasonable alternatives to contract position and temporary possession have been explored, and that has been the case. So in terms of the pure land alternatives for the land where we have sought for compulsory acquisition to the pink land plans which are referred to the rest of today, is the kind of the main site. We have four out of the six main landowners affected where we have agreed heads of terms and options signed

00:26:13:02 - 00:26:21:18

in further a further of those six where we have heads of terms agreed and we're looking to move forward to the options for.

00:26:23:17 - 00:26:29:27

And then the last is still in negotiation. The.

00:26:31:15 - 00:27:02:17

We have, as we've set out over the course of this week and an application document's been in discussions with landowners for some time and it was part of our option. Auctioneering process, as we discussed on Tuesday, was considering willing landowners as discussed in the site selection report. Appendix one to Act 203 The alternative chapter of the Yes and in response to questions. Our alternatives exercise has been a comprehensive one copy of the connection grid connection.

00:27:02:27 - 00:27:41:18

But considering environmental considerations, topography, agricultural land and the discussions with landowners. So we have sought to do that. I think the point that would raise is that whilst we have had successful negotiations with most and hopefully exemption all landowners, we are still seeking compulsory acquisition points because what we have is options and there is still of course the possibility, although all parties can hope that will be the case, that for some reason those options aren't able to be exercised or prevented from being exercised.

00:27:41:20 - 00:27:48:06

So we need to pursue acquisition powers as a backstop and in case that would happen.

00:27:53:02 - 00:28:12:13

The land that is shown in compulsory acquisition on the main sites is for all aspects of the work shown and the work spans that relate to the plots and described in communications and power. Sort to covers the solar areas, covers the internal axis tracks and covers the landscaping mitigation requirements for the scheme.

00:28:16:13 - 00:28:49:08

And as such, we consider that they are necessary and proportionate. We have touched on sorts to include much green infrastructure within the field boundaries of the land that we've sought and agreed options. So there are, with the exception of the um, the verge maintenance rights plots, whereas said to the quirk of land registration where we may need to go on to land to maintain the verges.

00:28:49:22 - 00:29:16:10

That happens to not be owned by the landowners, but otherwise all. And there we've only sought rights not for that acquisition and all other landscape mitigation is within the land that we are also seeking for the main works. Therefore, we have done what guidance requires, which is to be to maximise the amount of uses within one proportion of land without requiring more.

00:29:18:13 - 00:29:18:28

And.

00:29:22:03 - 00:29:53:02

And then the compelling case and think we touched on this on Tuesday and our excellent Mr. Gillette talked about the need for this scheme which is recognised in government policy, recognised in recent government decisions and substantial weight given to the need and the need to deliver renewable energy and. The in the context, I think in particular in the context of the progress that's been made in negotiations.

00:29:53:04 - 00:30:24:16

But even if that hadn't been made, we think it's clear that there is a clear and compelling case and the basis of that need set out in the same reasons and a scheme that is compliant with the draft is set out in our planning statement. Large scale solar generation is needed in this country. It's been recognised by the Government to meet our global crisis that is net zero and don't think there is more compelling case than the need to save planet.

00:30:31:15 - 00:30:35:00

I'll finish there. I could go on to talk about the.

00:30:36:23 - 00:30:39:09

The subsoil plots for that. We leave that to later.

00:30:49:14 - 00:31:03:08

Sorry not to my microphone. Thank you, Mr. Fox. I've just got a few sort of general questions rather than specific questions, and I'll ask if there's any points from any of the parties here today. Uh.

00:31:04:29 - 00:31:22:02

I think we touched on this a little bit in one of the written questions in terms of the generating capacity of a of a module. How is that? How is it being assured that that will be maximised in order to ensure that the car of land is the minimum that is required?

00:31:27:12 - 00:31:33:11

We talked a bit about touched on this again, think on Tuesday in Tuesday morning but presumably the.

00:31:34:26 - 00:32:19:04

Higher. The power rating of the panels chosen, the less land that would be actually required for compulsory acquisition. Notwithstanding your points about getting agreement with some of the some of the landowners when it comes down to actually implementing the project saying. 4 or 5 years time from the decision which which is a possibility because it's a five year consenting period, isn't it? If the technology has increased significantly at that stage, what's the how can how can this estate be sort of sure that the land being acquired is the minimum necessary? So this is what's happened because the efficiency of the panel is not the only constraint to the design of the scheme.

00:32:20:08 - 00:32:28:26

Um, as I mentioned over the course of this week, we still need to do archaeological investigations, we still need to do geotechnical investigations. Um.

00:32:30:14 - 00:32:35:21

And Ecological Service as required by the camp. So think that.

00:32:40:16 - 00:33:10:09

All of those factors would have to balance in order to design the scheme. The NPS supports planting because it recognizes that it's not just about the efficiency of the panel, it's also about irradiance, topography and everything else. So that's why we've asked and requested powers over land. That is more than just the straight 240. Um, because we need to allow for all the factors to influence and over planting. Um, so.

00:33:12:04 - 00:33:14:24

That's that's essentially the position.

00:33:18:00 - 00:33:23:20

And in terms of the actual power rating of the chosen modules panels.

00:33:25:09 - 00:33:59:18

What sort of. What's the incentive to actually sort of heighten that power rating to ensure that it's the most efficient, it's the most efficient use of the land, if you like, in that respect. It's commercial imperative because you get more bang for your buck, essentially. Um. Person said that that's one of

many, many factors. What happens is because of when you've done all the archaeological evaluations, notwithstanding what was said yesterday and everything else that you mentioned, actually there's less constraints when you actually do the detailed design than you've thought there might be in your maximum effect or worst case effect assessed in the.

00:33:59:26 - 00:34:12:28

And there is actually various bits of land at the end where it's actually thought, well, we don't actually and notwithstanding your point about the field boundaries that you may in writing might be might be increased by, say, the field boundaries, the areas of of mitigation

00:34:14:24 - 00:34:45:21

at the edges of the field. What happens if there's a situation where actually because bear in mind, there's a limit on the capacity of the grid that we discussed on Monday. What happens that actually find a situation where you don't need all the land because you can actually meet what you need with over planting everything else, but less land is required. What would happen then at the point where because there might be some bits of land which actually can aren't aren't used. What would what how would that how would that work. Because think there's an indication that would go through the landscape environmental management plan.

00:34:45:25 - 00:34:50:10

But how would the actual process work to ensure that, you know, you've not got

00:34:52:10 - 00:35:31:10

to say, well, this this field boundary might be enhanced, but actually is that necessary for the actual development? Is that all that landscaping actually necessary? And could it be that actually there's a particular field that's not needed, for example? I'm not saying we necessarily get to that, but that's sort of a potential scenario. Supposing that you can see it, think that there's a variety of questions there, because the point to which you are are not needing a field would become very clear in terms of your discharge of requirement six, for example, because the layout of the scheme would show that you no longer have solar in that field.

00:35:32:05 - 00:36:07:04

Um, the, in terms of the compulsory acquisition that flows from that, I would note that of course the article in the only gives us the power to compulsory acquire land where it's required. So there was already an inbuilt check within the drafting of the TCA. Um, so ultimately we did use the powers and came to use um, as has happened in case law, if someone could seek to argue that that is not valid on the basis that we don't actually require the land off the back of um, what's been approved to the requirement.

00:36:11:25 - 00:36:34:19

And how that process, again, in a hypothetical situation, that there was some land which actually turns out not to be required in terms of how that would be chosen mean would that be chosen on environmental effects, in terms of minimizing the environmental effects that would have be chosen on? If you've not got an agreement with one of the landowners, would it be part of that piece of land? How would that actually help that practical decision to be made?

00:36:38:21 - 00:37:14:08

Gareth Phillips The applicant can probably elaborate on that. Think it's going to be a balance of all those interests. Essentially, when this project gets to its detailed design stage, there will be a layout created and it's a commercial incentive to ensure that the least amount of land is required in order to do it. There's no there's no commercial benefit to spreading the layout of the project over a wide area where it can be condensed and essentially made a more efficient use of land. So in that layout they will also take into items that have been secured by requirements such as the mitigation.

00:37:15:16 - 00:37:50:02

And it will essentially be a design will be at the heart of this in terms of working out what's the efficient use of land for the solar panels and the infrastructure that supports it, but also what mitigation is needed to go alongside that. But essentially it will only be mitigation by its nature is necessary as part of the development to mitigate the impacts. So there won't be extra done unless that's something that at the stage of detailed design, the local authorities identify that that additional mitigation is needed based on the detailed design.

00:37:50:04 - 00:38:20:23

It's worth noting at this stage has been identified earlier in this week. The design is at a high level. It's when we get to the detailed design that essentially there's a second stage of approval so that local authorities can work out whether any additional mitigation is needed. But then also in terms of land acquisition, in the event that we have to fall back on compulsory acquisition powers, it isn't a case that when the is granted, that's it. We've got the powers and we just seize the land. It's not like that.

00:38:21:00 - 00:38:57:20

There's a second stage to it. The bit like second stage consenting in that we then would have to. Use one of two. Two ways of trying to secure the land. It's either a general vesting declaration or it's a notice to treat. Each of those have noticed provision periods, and there's an opportunity for the landowner to contest that that that attempt to to acquire the land. And essentially, if there is a dispute, it can go off to the Lands Tribunal where there is essentially it's a bit like a court case, if you like, in order to decide whether or not it's an appropriate use of land.

00:38:57:25 - 00:39:28:21

So there's a two stage test, if you like, the tests that we've identified in or you've identified in the agenda, which essentially sets out whether or not the secretary of state feels there is a case for for for a compulsory acquisition powers to be made available. And then there's a second stage that assuming A is granted and assuming that the DCO is granted with compulsory acquisition powers because that's not a foregone conclusion, you can have a granting without the powers, if that's what the Secretary of State thinks is the correct decision.

00:39:28:26 - 00:39:34:02

And then later on there's another opportunity. So hope that overview persists.

00:39:35:00 - 00:39:38:03

Okay. Thank you. And.

00:39:54:19 - 00:40:08:04

Just a question about the the again, switching back to what we discussed on Tuesday about the operational lifetime of the development. And of course, there's no operational time limit in the draft development consent order.

00:40:09:19 - 00:40:34:17

If this comes a little bit back to the question about whether or not all the panels will be replaced at any point, but if all the panels won't be replaced because obviously there's think the three and three recognises this, that there might be replacement of panels during the lifetime of a solar farm because more efficient panels will probably become available. Is in this case.

00:40:37:10 - 00:40:39:14

That the panels aren't going to be replaced.

00:40:41:00 - 00:41:14:21

Then with time in place of, say, don't know, 30, 40 years, whatever it would be, then the landowner would actually, in 30 or 40 years time, get the land back. Presumably I've got a question about how that actually works. But come on, come on to that. And that presumably would be a better situation than the situation where there's effectively the solar farm is there permanently notwithstanding, there is option for decommissioning, etcetera. But there is the worst case scenario. It could be there for 200 years because in a hundred years time solar panels might still be really sort of like important part of the overall energy strategy, etcetera.

00:41:14:23 - 00:41:50:07

So the worst case scenario. But even in this case, I'm still not absolutely sure if this is going to be sort of the case or not in this case. It's not intended that all the panels will be replaced then. Isn't a short isn't it putting a time limit in the draft consent order helpful in terms of compulsory acquisition? Because it shows that the actual rights being acquired at the other minimal in time rather than extent of land? Of course was marked up to the first point is on on this this maintenance issue and we are going to come back and writing is that the drafting is only about that.

00:41:50:09 - 00:42:14:12

We can't replace everything all at once, all the panels all at once. And we will be amending the issue to make it clear about what that being worked work. Number one, that doesn't mean that we won't be able to replace things over the lifetime as that becomes necessary. We just can't do it all at once. Now we've had the discussion about the controls on that, and we'll come back in writing because we've had some further thoughts on that.

00:42:16:03 - 00:42:44:18

But but in that context, I think think in introducing the question you've already said it in terms of the context that we would look to replace to be more efficient if we can extend lifetime. And then I don't think we need a lifetime control because as said yesterday was a Tuesday and the need for renewable energy generation doesn't stop in 2050. It continues.

00:42:50:08 - 00:42:51:01

Okay. Thank you.

00:42:51:03 - 00:43:21:08

And I can elaborate on that. Gareth Phillips, the applicant again, I think the the point where we're getting we're trying to convey is that if the Secretary of State is satisfied that there is there is a need for this project, then there's another question for for for the Secretary state to ask themselves whether compulsory acquisition powers are are required for the project over its lifetime and whether there should be a limit on that.

00:43:21:15 - 00:43:57:21

So essentially the first question is should the project have a lifetime? And then the second question is, should that life, if there isn't a case for imposing a lifetime just for the development, is there a case for doing so from a compulsory acquisition perspective? Now I think where we would be on that is that the rights are going to be needed predominantly for the construction once once the project is built. Um, if you like, you know, the land take required for it and there shouldn't really be a need for compulsory acquisition powers to be implemented.

00:43:57:23 - 00:44:50:07

After that, they will have served their purpose to a degree in terms of securing the land for that. So that I think covers the lifetime point. I think you also raise at the start of your question, the point about, well, what happens at the end. So in the event we have private agreements with with all the interests that are required for those, essentially revert back to the landowner gets it. In the circumstances where we relied on compulsory acquisition powers, there is a essentially a protocol known as the critical down rules, which essentially when you have acquired land for a specific

purpose and that purpose no longer exists in this case the end of the project, then you are required to offer the land back to the to the original landowner from whom you compulsory acquired the.

00:44:50:09 - 00:44:51:19

Interests, and.

00:44:51:21 - 00:45:06:17

That that's a well-established protocol. Um, in compulsory acquisition law, it's the same whether it's a compulsory purchase order or development consent order, which to some extent are the same in terms of how compulsory acquisition works.

00:45:08:15 - 00:45:38:27

Okay. Thank you. One. Further question to give you a bit slightly goes out of the arena of compulsory acquisition. Not sure if it is relevant, but again, on the time limit, the details that have been granted so far have all got time limits and I think they've got compulsory acquisition powers apart from little Little Crow I don't think has position powers, does it? But the other that leaves two doesn't it. The other two have. They've got both got time limits as I understand it, in terms of compulsory acquisition.

00:45:38:29 - 00:45:55:03

Why is this different to those where the Secretary of State thought it was necessary to put a time limit in to check, but don't Miss Fox. Don't believe that they have time limits on the compulsory acquisition powers as well then? No, they're just just on the operational period. Yeah. Correct. Yeah.

00:45:55:18 - 00:46:19:18

And and indeed the applicant indeed Cleeve Hill Solar Farm didn't have a time limit on the consent. There is a decommissioning provision at the end, but essentially whether or not that project is required to decommission and is dictated by whether or not the Environment Agency required the land for essentially their policies around

00:46:21:05 - 00:46:53:28

managing coastal areas in terms of flood defence. So they have a strategy around the country that in the event of sea level changes and therefore river level changes, certain areas of land would essentially be allowed to inundate in order to protect other other areas of land, for example, that are in residential, industrial, you know, put to use. So those are the only. So that's the circumstance in which Cliff Hillwood would would come to an end if those circumstances don't arise.

00:46:54:00 - 00:47:22:00

So, for example, the Environment Agency's policy changes or they're unable to secure funding, etcetera, then Cleeve Hill would would carry on just like any other unlimited planning permission. You're right. Little Crow has a has a time limit, I believe. And we've seen more recently that Longfield has a time limit too, but that that's about the operational period of the project rather than a limit specifically on the compulsory acquisition powers.

00:47:30:18 - 00:47:38:27

Okay. Thank you. Are there any? Points that anybody wishes to raise at this point. Mr. Williams, you got your hand up. You'd like to

00:47:40:22 - 00:47:41:07

party.

00:47:41:21 - 00:48:23:02

Just picking up on your point about the area that they are seeking the powers over, and you've mentioned long field and and Little Crow. So those sites, the megawatts per acre ratio for those that long field is about 2.8 and Little Crow 3.3. Whereas the applicants are producing a figure of 6.2, so they need 6.2 acres per megawatt production and think the government guideline is for four acres.

00:48:23:24 - 00:48:28:08

So it would suggest that they're looking for a bit too much land.

00:48:29:20 - 00:49:04:21

Okay. Thank you. John can address that point. Now, also in that point, I think there's a in the draft in three, there's a sort of typical amount of area per output. Think and think it's probably true to say think in writing, saying that mallard pass is slightly above that in its land. Take think I'm right in saying, but if you could blend that into the point. Mr. Williams as well, please. Yes. So we answered this question. I'm just getting the reference in question 1.0 16 with reference to that

00:49:06:14 - 00:49:08:10

point. Yeah.

00:49:10:05 - 00:49:28:03

Yeah. Um, so that in three so the solar farm requires between 2 to 4 acres for each megawatts. Um, we are 420 hectares, which is approximately 1038 acres in capacity between that we've talked about this week. Um.

00:49:30:27 - 00:49:34:03

So we are we are within those ratios. My understanding.

00:49:39:12 - 00:49:54:18

Okay, well, we can come back to that. Thought you were slightly above it, but my calculation. But okay, we can come back to that. But in terms of that, Ms.. Williams's point about that the overall relatively seemingly relatively high land requirements in relation to the output.

00:49:58:01 - 00:50:07:14

And this was another thing. We're gonna have to come back to that in writing because didn't have the relevant. Personally to explain that info. Okay.

00:50:09:18 - 00:50:58:06

Think it would be included in that. Don't know if it's part of that particular relevance that particularly the consideration, but the amount of the the justification for the amount of landscaping. Uh, required for the project as well. Obviously there's a Skylark area, which presumably they're quite large areas compared to what they might be of. Skylark mitigation wasn't required, but sort of that rationale of the amount of landscaping that is required. Bearing in mind the point in the in the guidance as well, the guidance and support for acquisition, which specifically relate, refers to the point about justifying the amount of landscaping that is required, obviously incidental to the project to get what paragraph it is now, but two paragraphs for paragraph 11.

00:50:59:04 - 00:50:59:21

Two

00:51:01:22 - 00:51:42:11

of the applicants. They think it's important, first of all, to note that the the skylight mitigation enhancement areas are specific. Squares of land within land that's going to continue to be arable. So all of that land that's shown with the light green shading on the green infrastructure strategy plans is shown in green because it's not where solar is going. It's continuing as arable land and it's small

squares of where skylights are, which is something that's well done in this area by farmers across across the area. In terms of then if you take that away, you're left with the landscaping and ecological mitigation that's essentially around around the edges of the scheme and breaking the scheme up.

00:51:43:05 - 00:52:21:13

And that is as say, performing both a landscape and an ecological function. That's up to four talks about why that, how that has been developed and what's responding to the both in the and ecology chapters explains what mitigation is needed as a result of the various assessments that are being carried out, including the amenity recreation assessment and the residential visual amenity assessment. And the lamp has therefore been developed in response to that to ensure we achieve the outcomes of the mitigation that's been achieved for the purposes of the.

00:52:21:15 - 00:52:22:00

Yes.

00:52:25:12 - 00:52:57:08

And which is being, of course. Okay, so there are policy drivers, drivers and mitigation drivers which indicate the requirements of what we've produced. Um, and I think you've heard this week that people are concerned that there's not enough. Never mind too much. So, um, think. I think that's the justification for the extent of landscaping we have. Okay. And you're going to come back in writing to Mr. Williams specific point in relation to Longfield.

00:52:57:10 - 00:53:00:01

Yes. Okay. Thank you.

00:53:00:03 - 00:53:36:22

Miss Williams doesn't need to come back on the point. The point I'm making is the the area required for this scheme is so much greater in totality. So whether it's mitigating or ecology or biodiversity. Relative to all the other schemes and the an indicator of whether that makes it a good or bad scheme would suggest that they're asking for too much land in order to have sufficient area for mitigation for whatever else, relative to other schemes that you've consented.

00:53:37:12 - 00:54:13:03

So as an indicator of does that, where does that fit within the planning balance? It would suggest that they're taking and if you appreciate not all of the land is actively farmed because we have wild feed margins and and our own bio gain areas. But it's so far out of whack with, say, the recent consent at Longfield. It's taking, you know, two and a half times as much land which which would suggest to me that it's perhaps not the best idea.

00:54:13:23 - 00:54:23:21

Okay. No, I. Your representation, which I think set out in a bit more detail and tables what the comparisons were with other solar projects. Which is to Phillips.

00:54:24:13 - 00:55:00:15

To the applicant think it's not so far out of whack. Um the the there's going to be a number of factors that are relevant to this. First of all, not all projects are identical. There will be different constraints on each project. Not all solar panels are identical and all of these developers that are looking at solar assets and indeed smaller sites, you know, under 50MW, will be taking a professional view on how the supply chain is developing, how they should, you know, design the projects.

00:55:00:19 - 00:55:34:10

And having regard to the specific constraints on the site, some sites may lend themselves to, you know, a more detailed understanding of design at an earlier stage. Others may need more investigation

later, but fundamentally come back to the two stage consent that this is that. When we get to the point of detailed design. So this assumes that is granted and we have to submit details under the requirements to the local authorities for the specific design of this project.

00:55:34:22 - 00:56:07:09

At that stage, essentially the land required for the project crystallizes because we know what the design is and we can see what's needed there. So to the landscaping, Mr. Fox has been talking about the biodiversity net gain and those other aspects that all forms part of the detailed design as well. So at that point, when when we get to the second stage of this consent, the land required for the scheme crystallizes and it may well be less than, than current than currently suggested in, in the outline designs that we have.

00:56:07:12 - 00:56:41:27

But that's not a bad thing. In fact, that's a good thing. It's a point at this stage in time because planning, guidance and process and protocol all recognizes the need for flexibility. We're sat here now, but if a is granted for this, it's going to be, you know, sometime next year. Then there's a lead in period for detailed design and requirement and the requirement discharge. Then there's a lead in period before construction starts. So we could be three years away. The time, time, the sort of program we're looking at as being detailed in written answers and in the application.

00:56:41:29 - 00:57:15:05

But the point is, right now, you set yourself some flexibility in the red line area. Once detailed design is done, you know that where the where the project's going to sit and that in some ways then crystallizes the availability and whether or not compulsory acquisition powers should be used at that time. Because clearly if the land is no longer required for the project, because the design shows it another area or smaller, then the the rationale, the proportionality of using compulsory acquisition powers at that time falls away.

00:57:16:13 - 00:57:49:06

And just just to add to this, I think it's really important that we consider what areas we're talking about here, because I think Mr. Williams Rep, there's reference to the total size of the audit limits. Um, but actually what we're talking about here is that's made up of different things. So within that you've got roads, you've got cable routes and importantly and come back to the Skylark, but you've got the mitigation areas which are all staying as arable, apart from the small squares with the sky and arts are going. So that is quite a large part of the scheme.

00:57:49:08 - 00:58:19:13

Which of those areas which are that you then get to the landscape and mitigation which appreciate Mr. Williams point that that reflects the size of the solar area. So if you had less solar, you would need less of that. But think if in terms of an action, what we're taking away here is the proportion of land that is for work, number one. Yeah. No. And the per acreage for that, not the whole scheme. Okay. Thank you, Mr. Foulkes. Mr. Phillips and Mrs. Holloway or Mr.. Mrs. Waleed.

00:58:19:15 - 00:58:20:05

Do you want to.

00:58:20:21 - 00:58:21:06

Um.

00:58:21:15 - 00:58:57:11

Mrs. Holloway, from a low price action group. Um, obviously, Mr. Williams sort of pretty much covered what I was going to say. But, I mean, the question is, is there a compelling case to agree to the compulsory acquisition across the whole of the order limits? So we're not just talking about the

solar area, we are talking about the whole of the order limits that are affected by the compulsory acquisition powers and therefore, is it proportionate? And imagine all the other sites, even though they're different, will still have similar requirements for mitigation enhancement set back whatever.

00:58:57:13 - 00:59:17:26

But Longfield is 453 hectares is 852, yet they're both generating the same output. Those numbers just in themselves speak volumes. So think it's a question of is it proportionate or not? And it doesn't seem that way to ourselves. Thank you.

00:59:18:18 - 00:59:42:05

Maybe if your response at deadline for includes a comparison against other large solar national infrastructure schemes as a way of comparison would be quite interesting to see that. But take into account the actual obviously the difference between the landscaped areas obviously, and the areas where the panels are going to be. Yes. And and Mr. Phillips, quite helpful just to see what those those results are. And that would in response to those points, Mrs. Warley.

00:59:43:01 - 01:00:19:17

Can just add, Mrs. Woolley, on behalf of Mallard Plus Action Group can just add to the comments that Mrs. Holloway has just added and just ask the Planning Inspectorate and maybe the applicant to consider that the fact that the extent of the the compulsory acquisition request, which is what we're here to discuss today, don't only relate to landowners because of the size and the scale of the application for the DCO and because of the nature of the site and its location. There are a number of residents whose private property rights are being impacted by this proposal.

01:00:19:19 - 01:00:52:01

And if there is scope for that, um, for the to be at a different size or a different nature, then I think we should be actually considering that at this stage of the application, not at the point that the detailed design, um, a presentation is made to the local authorities. That's a long way down the road. And in that time all of those properties will have on them in any search. If anybody was looking to to move will have issues relating to their private property rights impacted by the proposal of the scheme.

01:00:52:03 - 01:00:57:28

And that seems to be being overlooked in all of the answers which the applicant has given so far.

01:01:02:04 - 01:01:05:06

Thank you, Mrs. Woolley. That's helpful. Thank you. Would you like to respond to that, please?

01:01:05:09 - 01:01:45:12

Just quickly to the applicant. All of the legal rights that are affected by this project are set out in the book. In the book of reference, every single write that this project may interfere with the set out in that in terms of the private property rights that we've just heard mentioned. I think we're going to need to have a written submission on on what exactly those are because all legal rights are set out in the book of reference and we've dealt with all of those in terms of the submission about when is the right time to consider whether compulsory acquisition powers are justified entirely agree now is the time for that.

01:01:46:03 - 01:02:11:23

And that's why we're here today. And there will be a recommendation on it by the examining authority in the Secretary of State will have regard to that. My point is that it's almost a point of reassurance that at the second stage of consent, when detailed design is done, that's when there is a clearer knowledge of what's required for what is precisely required for the project and therefore what land isn't required, if indeed that's the case.

01:02:15:09 - 01:02:16:25

Okay. Thank you.

01:02:17:05 - 01:02:20:20

Mr. Williams, you had your hand back up for a moment. Are you

01:02:22:18 - 01:02:27:22

okay? Okay. Sorry. Thank you. Okay. Um.

01:02:34:25 - 01:02:53:06

That something takes us to the end of item three. So if we can move now to item four, and this is the bit that was missing from the draft, intentionally missing from the draft consent order discussions yesterday, because these are the actual

01:02:55:10 - 01:03:05:18

provisions in the draft developed consent order that relates to compulsory acquisition, temporary procession, etcetera. Uh, so first of all.

01:03:08:02 - 01:03:40:05

You sort of touched on some of these things in your opening introduction in the last item, but. Mr.. Mr. Fox, would you like to set out briefly which articles engage compulsory and temporary possession powers as a sort of explanatory introduction? So it's clear what they do in sort of their perhaps not so technical terms as they're set out in the with that. That's possible. Mr. Fox the applicant sets articles 20 to 33 part five of the DCA, which set out the various

01:03:41:22 - 01:04:16:18

interference with land powers that we have in Article 20 and sets out our powers of compulsory acquisition. And I think we've already beat that to death really already this morning. Article 21 sets out the time limits for use of the acquisition powers of five years. Um, Article 22, its compulsory acquisition of rights, which refers to the Schedule nine in explaining which rights we're seeking to acquire.

01:04:19:03 - 01:04:31:18

Article 23 and 24. Deal with the interaction with existing rights on land. Sorry. No. 23 and 26 was, um. Articles 24.

01:04:34:09 - 01:04:47:07

That deals with the interaction with the existing legislative. Legislative regime for commercial purchase and ensuring it's clear that. Particularly the rights powers that are in the are able to be dealt with through later.

01:04:49:24 - 01:04:50:09

That.

01:04:51:22 - 01:05:02:09

Article 25 gives us the power to only acquire subsoil rather than the full extent of the earth to the sky. And.

01:05:04:21 - 01:05:13:04

Article 27 again modifies Compulsory Purchase Act 1965 to make it work with our order.

01:05:15:06 - 01:05:18:07

Article 28 deals with existing rights in streets.

01:05:19:26 - 01:05:32:10

And an ability to interfere with them. 29 and 30 A temporary possession of land for four firstly for construction and then for the maintenance of the development.

01:05:36:25 - 01:05:50:05

And then. And that defines the maintenance period in paragraph 11 of the article being five years for mostly authorized development and then the maintenance period for the landscaping project works.

01:05:51:27 - 01:05:57:27

Then onto the 31 to 33. Are to do with interaction with statutory undertakers.

01:06:03:14 - 01:06:29:27

Thank you, Mr. Fox, for that introduction. I've just got a few questions. If it was by and large pick up on responses to questions that we asked at the first written question stage. The first one is on Article 22 Compulsory Acquisition of Rights. And the main point of our question was about the. The way that that article is quite broadly drafted. Um.

01:06:32:16 - 01:07:12:18

And that it would relate to new rights over all of the land. It's correct, isn't it? That's what it's intended to. Not the temporary possession land, but not temporary possession. Yeah, I understand that. It's sorry. And in your answer, it focused quite a bit on also the temporary possession point, but also that it would be a lesser property interest than compulsory acquisition, which understand the basic point. He just give a bit of a justification and clarity as to exactly so say the basic point that if the lands being acquired, compulsorily acquired, that perhaps might be

01:07:14:18 - 01:07:18:22

a lot, quite a lot of situations worse than just a right being acquired. But, but.

01:07:20:16 - 01:07:50:22

If your lands been compulsorily acquired then. You just presumably planning for your land just to be acquired, you'll have no use of it. Whereas by. Acquiring a right presumably means you can still use that land. But just the rights being taken away, which is somewhat different. So it might be seen as being a lesser power, but actually in terms of those people being aware of that possibility, for instance, when they're sort of planning ahead in what they're going to be doing in future years on that land, is it quite so straightforward as just saying it's a lesser property interest? Yeah.

01:07:50:24 - 01:08:20:26

Mr. Fox In part. So your question comes from the fact, just for the benefit of the room, that the the way works is that land powers are stacked. So essentially where you have pink land that enables you to essentially. Use all powers if you so needed to. And that's why often what you you see is once this year is granted, a promoter would use temporary possession powers first and then only use compulsory acquisition powers once it's built up most of the scheme and understood actually what it needs.

01:08:21:16 - 01:08:56:03

Um somebody for. Um, you then have compulsory acquisition of rights plots where the blue on the plants can only be used for riots, plots and for temporary possession and then temporary possession plots can only be temporary, temporary possession. Um, and it's a basic explanation of why we have this and why. 22 refers to the whole order land and think. So this needs to be seen in the context of of the time limit for the powers. If at the moment someone is presuming that they're going to lose their land completely, but then within the five years, we determine that actually.

01:08:57:05 - 01:09:11:11

And. They can keep that land and therefore we would only impose rights. Then that is a better position. Um, your question asked about what if they're making plans at the moment? They're making the plans on the basis that. That is not completely.

01:09:14:10 - 01:09:51:19

And would in terms of the consultation, is it? Absolutely. It's want to be sort of clear that that would be those those parties. That would be absolutely clear in terms of the information that's being consulted on, because, of course, it's one thing having things in schedules. Where is there a schedule for this one there isn't there such a nine schedule nine. So the schedule nine very all laid out. So those those people know. But notwithstanding your your point about the lesser property interests, can we be satisfied that the secretary of state satisfied that those are the people that have been adequately made aware of the fact that it might not just be compulsory acquisition, it might just be it might only be right.

01:09:51:21 - 01:10:03:22

And whilst it's a as you say, you're arguing it's less property interest is not still a requirement for those people to know about that so and so.

01:10:05:12 - 01:10:41:26

No consultation for any DCA ever includes draft land plans. What the consultation will say is to here is our order limits within them. We will be applying for land powers. We would include acquisition in that, including that. Right rights and powers of temporary possession. Um, but we would we did not and no scheme ever does consult on draft land plans and explain. What different colors mean and therefore the different palettes that may or may not be utilized over, um, those plants.

01:10:42:12 - 01:10:44:05

Um, so.

01:10:45:23 - 01:10:57:10

I think that think the answer at the moment. Um, the consultation responses. People saw the red line and we said that we could use any, any of our powers over all of that land.

01:10:59:06 - 01:11:30:12

In broad terms. And without that, it was a line in the document to say that we would. These are the various powers that we sought. And obviously this has been this article is precedented, isn't it? Yes, sir. Is it completely wide, universally precedented? Yes, sir. Not just energy projects, but highway projects as well. Um, and it comes back to that point about stacking. Um, obviously acquisition for compulsory acquisition is supposed to be a matter of last resort.

01:11:31:08 - 01:11:46:24

Um, so giving yourself the ability to compulsory acquired rights instead and where it's been precedented the consultants because the consultation process or the process for what you've just explained just a few moments ago, is that similar to what's been carried out in those other. Those other ones where where there is a precedent? Yes, sir.

01:11:48:13 - 01:11:55:00

Any point on this from anybody before? Move on to the next one. The next one is private

01:11:57:05 - 01:12:04:13

private rights, Article 23, which might or might not be a short point. Uh, 23 to see.

01:12:06:16 - 01:12:07:11

Which.

01:12:13:23 - 01:12:19:00

Sorry. 23. Yeah. 23 to see private rights.

01:12:28:28 - 01:12:41:20

It's whether that whether or not that provision and this, to be honest with you, comes from, I think the secretary state's decision on the long field order where I think it was deleted because it was seen to be uncertain and does not

01:12:43:15 - 01:13:17:29

agree that these rights should be affected before the triggering of one of the formal processes in A and B. So my question really is quite simple in terms of. Are there any particular circumstances in this case? Y 220 32C is required when it's been so recently deleted by the Secretary of State. Included in all of the. Don't think it's maybe precedented, but I'm not sure it's precedented in all of the facts about that.

01:13:18:04 - 01:13:25:14

And it's because as cited earlier the point at which.

01:13:29:17 - 01:14:02:09

The point at which we actually acquire a rights which won't interfere with existing private rights may actually be some points down the road of actually the scheme having started in the works, commenced using other powers. Um, and at that point there would already be an inconsistency between what we're seeking to do and those private rights which his article was trying to. The purpose of this article was to kind of avoid all doubt, particularly as the it's not invites and compulsory acquisition of rights and powers.

01:14:02:11 - 01:14:06:08

So what they work in terms of what we're requiring is a right over.

01:14:07:26 - 01:14:44:21

It's not to extinguish existing rights. That's why you need Article 23. So this the purpose of 23 is to deal with that gap. Where. You haven't used the powers anyway, but you're you're discontinuing them and they still exist. So this, this is a actually power that you need because otherwise you understand the need for 23 in general. But yes, 23 two. See that I've what I'm getting at is that you've got consent to do the works. You then go on to the land to do the works and at that point you'll be interfering with existing private rights or restrictive covenants that you haven't discontinued through the or otherwise.

01:14:44:23 - 01:15:32:12

Think it could be helpful that when we are reporting this to the Secretary of State, given that the state has recently deleted it, it'd be quite good to get maybe something actually to take away, probably something that would be quite beneficial to get just a something in writing from you at deadline for. As to what makes Longfield so not sorry, why is my past different to longfield. What are the circumstances? So make it different to longfield when it's so recently been taken away because as expect the Secretary State will be asking the same question if if the summary point you gave earlier is that he gave it away because he felt that that was an uncertain point, then we can consider, given that we wouldn't be able to actually get on to any land without serving a temporary possession notice because we have to do that subject to Article 29, um, that we could change C to relate to that time period because that would be a certain point.

01:15:33:03 - 01:15:37:22

If there's clear differences to what was in Longfield, then yeah, you can set those out. But I'm just.

01:15:45:06 - 01:15:47:08

Cannot. Can that be an action point?

01:15:47:23 - 01:15:48:25

Absolutely. Okay.

01:15:48:27 - 01:15:51:28

Thank you. So Article 26 is.

01:15:57:01 - 01:15:57:27

The.

01:15:59:14 - 01:16:04:00

Power to override easements and other rights.

01:16:08:28 - 01:16:20:00

Which again is precedent, but not. I don't think it's universally precedent. I might be wrong. Again, what's the particular justification for it in this? Case.

01:16:32:00 - 01:16:53:10

And so it is well presented. And it's a similar position as it was for us 23. Really. It's. So in order that we can carry out the work without worrying whether we've interfered with someone's interest or rights, um, this enables us to do this and provides statutory authority for us to do so.

01:16:58:13 - 01:17:05:08

As with all projects, you need to have the certainty that you're able to implement it without someone coming along and saying, Excuse me, you're in breach of my right.

01:17:07:07 - 01:17:11:29

Perhaps can offer an illustration of this to the applicant.

01:17:13:14 - 01:17:48:27

It's quite common for a right to essentially be established through long user as what we call it. But if, for example, it's called a prescriptive right, which is where over the course of 20 years a right's accrued because it's continuously been used over that time. For example, a person might walk across a field without having been granted permission, but nonetheless has done so continuously for 20 years. And unless it can be shown otherwise, then that could, could result in what we call a prescriptive, right.

01:17:49:17 - 01:18:25:26

Those sorts of rights cannot be found on on land registry or sometimes even by doing due diligence. When you're acquiring land, it should be known to the landowner, but not always. So this power essentially counters or provides for that circumstance where, despite the best due diligence and making inquiries, nonetheless, at some point down the road is where, as we're building the development, one of these rights appears to have arisen, in which case this power enables us to be able to interfere with that right for the purposes of the project.

01:18:26:03 - 01:18:46:18

So again, it's a fall back power, very much a common tool in DCS and compulsory purchase orders under other legislation whereby you don't have an actually significant project held up as a result of the right that that wasn't obvious an earlier stage in the project planning.

01:18:47:22 - 01:19:10:01

And it could effectively be. Thank you for that explanation. But it could effectively be any, right? Correct. Okay. In terms of the persons affected by those rights. They might not be aware of what this was going to actually happen because it's quite a general. Again, it's a general provision. So in terms of sort of how people have been made aware of that possibility, that effectively any right could be

01:19:11:18 - 01:19:44:06

overridden in terms of sort of fairness for those people. How is that balanced in the fact that I think there's two points to make here. But the first thing is this power is to override, not to extinguish. It just means that we can do that notwithstanding there. Right. And the second point is, I don't want to repeat myself. So it will be what I said earlier. The consultation said that we'd have a range of powers to. To acquire land, interfere with land and and take temporary possession.

01:19:46:01 - 01:19:46:21

Okay.

01:19:47:13 - 01:20:17:14

And in addition to that, sir, we are here today. So all of these powers have now been listed in the from the point of submission of the application. Um, we're having a compulsory acquisition hearing now, obviously, and we can have another one in September if that that were necessary. But really what this power about is right that nobody No knows about or may not even be aware of have arisen. So it's it's to deal with the unknowns.

01:20:19:26 - 01:20:32:07

Searches to find a finding illustrate the point if you if you weren't in world a CPO, there's no requirement to pre consult on a before it's made. Okay. Okay. Thank you. Um.

01:20:35:14 - 01:20:37:15

29 and 30.

01:20:41:13 - 01:20:46:16

So we just stick to 29, which is temporary use of land for constructing the authorized development.

01:20:55:28 - 01:20:56:20

Again. Think this.

01:20:58:07 - 01:21:05:03

Point of that clarification is that it is it's the generality of this. And provision in terms of.

01:21:08:17 - 01:21:38:10

Land specified in Schedule 11 again is clearly set out for temporary use of land. But then there's 29. 82 is any other land in respect to which no notice of entry has been served, etcetera, etcetera. It's that sort of generality of the provision which could apply to the whole of the border land and again, want to be absolutely sure that the and you've talked about the consultation to a degree in your answer to our written question, what was it, 5.5019?

01:21:40:22 - 01:22:13:00

But would those people potentially affected be? How where would they be of this general power when they're not included in schedule 11? And again, think again, this is precedent. I don't think it's absolutely widely precedented. Sad about the applicant. I believe this very well presented across all different sectors. And the reason for this is. In that sense, actually, probably it probably is. It might be think in some situations it's perhaps possibly being removed.

01:22:13:02 - 01:22:43:04

But for this order, what's the what's the particular justification as to why it's required? Because there's lots of sort of generality of sort of powers that we've been talking about. But it is quite helpful for sort of certainty, etcetera, to know exactly why they are required. So it's all about the stacking that mentioned earlier. It's a proportionality. And if we can avoid having to take multi acquisition over everybody's land, including the pink and blue, because this is what this is saying is that we can use temporary possession in our powers on pink and blue first.

01:22:43:15 - 01:23:18:29

It makes complete sense to do that. So to avoid the amount of land that you then need to compulsorily require. So for example, coming back to the the question of the panels, you use those powers first if you need to, to go onto the land to build them out. And once you've had the requirements discharged, once you've gone through the process of working out what land you actually need, then you wouldn't need to use your compulsory acquisition powers. If you took this away, we'd have no other choice but to use our compulsory acquisition powers. And can we be sure? How can we be sure and subsequently the Secretary of State be sure that adequate consultation was carried out on this particular power? So those people are aware.

01:23:19:16 - 01:23:49:05

So think, think, think. You've got to think about what this power is used for. It's to go on to land, to do the works. So anywhere in the world limits, we would be able to to do the work subject to our environmental controls and come back again. People's view of the consultation in the red line was anything could happen across this whole red line. All this power does allow us to go on the land to do those works. So if the landowner was concerned about that, they would have been concerned that we were going on the land to do works on their land.

01:23:51:03 - 01:23:57:26

All this is, is the power that facilitates that. Was it clear in that consultation about this particular power for temporary use of land?

01:24:00:02 - 01:24:05:16

When in generic sense, we mentioned the fact that we would have the full gamut of land powers available.

01:24:08:21 - 01:24:41:15

Sorry, Gareth. I think we need to see this in context. So there's a red line boundary and within that we've identified where we would propose to compulsory acquisition land if we needed to. So that's the worst case scenario. Temporary possession and use of land is a step back from that. It's a better scenario. So the way it's normally thought about as Mr. Fox was, was was explaining, it's essentially we have a requirement on us or an obligation to demonstrate that the use of compulsory acquisition powers is proportionate.

01:24:41:24 - 01:25:15:20

This particular power enables that. So rather than, as Mr. Fox said, take this away and we would have no option but to compulsory acquisition, take the land away from an owner when all we really need was a temporary use of it. So in this scenario, it's a it's a better result. So on the basis of consultation. The red line would have shown that we could have used compulsory acquisition powers anywhere in it. And for the purposes of the project, this power is subordinate to that.

01:25:15:22 - 01:25:20:07

So it's essentially it's a lesser lesser encumbrance, if you like, on on the land.

01:25:20:25 - 01:25:31:21

What about any areas of the border where it's just rights being taken away, so not areas that have been compulsorily acquired, but those areas where rights have been taken away. How does it in.

01:25:31:23 - 01:26:00:03

The in the same way in that we don't need to extinguish a right. Or interfere with it in any permanent way. If we can temporarily use the land for, say, construction purposes and then no longer need need use of that land later on. So for example, construct the project, do the landscaping required for any mitigation. After that point, it may not be necessary to interfere with the right, and that's what this power is for.

01:26:04:08 - 01:26:34:14

And one final question on the notice period of 14. Days. What's the justification for? That again couldn't help noticing a recent DC about 28 days in it. I'm not quite sure what the circumstances behind that were, but in that context, what's the justification for 14 days? Which again is not, uh, you know, the purpose of this, that again, you probably tell me it's widespread, still precedence elsewhere. But 14 days, two weeks again.

01:26:35:00 - 01:26:35:15

That have.

01:26:35:17 - 01:26:36:02

Been raised.

01:26:36:04 - 01:27:06:07

Sure. We were talking we were talking yesterday about the powers to be able to carry out surveying on land outside the order land. And again, the 14 day point came up then. And this this is a standard period that's been given in other legislation. We were talking about the the Housing and Planning Act yesterday, where government has has deemed that where you wish to go on to land and carry out surveys, 14 days is sufficient notice. And that's a that's a decision taken by government, not us.

01:27:06:14 - 01:27:17:07

We are replicating those powers in this order and using the same same time period. So so that's that's following the lead of government on that time period.

01:27:17:09 - 01:27:21:03

Why was Longfield 28 days just out of interest? Don't don't know why.

01:27:21:27 - 01:27:23:00

I don't know either, sir.

01:27:24:16 - 01:27:44:10

But we do need to take care in terms of using Longfield as a precedent, because none of us were actually involved in that. And it does tend to be the case in these applications that where where an applicant relies on something as a precedent when it's warned, well, each one's taken on its case.

01:27:44:22 - 01:27:45:18

I'm not saying that.

01:27:45:25 - 01:27:46:20

You're always warning us.

01:27:47:10 - 01:28:05:05

I take that point, but that's a very recent order granted by the secretary of state for a solar farm, which is why it's of some some relevance. But yeah, everything has got to be justified in its own case and. Okay. Any comments on that? Is that Mr. Hughes?

01:28:07:08 - 01:28:09:07

Can we get a microphone for Mr. Hughes, please?

01:28:13:14 - 01:28:59:04

Hello, John Hughes. Interested party. Just going back to what the applicant was saying with regards to Longfield, I've obviously just called up the actual map for it and looking at that, you have their solar farm. The outlay to it and the actual village of Stirling would appear to this map to be to the north east of the actual site of Longfield. Have it on the laptop here if somebody wants to look at it. Um, to where is the reason for this compulsory acquisition all be all down to actual location because in this instance the village of S9 is going to be totally surrounded by

01:29:00:22 - 01:29:24:18

this solar farm. So obviously to instigate it, you're going to have to go through the village and require these powers to be able to implement your project. So is that the reason why you're actually seeking them and the reason why actually Long Field was passed through without the need for these compulsory purchase requirements?

01:29:27:13 - 01:29:59:08

Okay. Thank you, Mr. Watson, about that. So the quality and quality acquisition requirements flow from the scheme location and the scheme design as shown on the work plans. Longfield did have a compulsory acquisition requirement to meet the needs of their scheme and we have projected and requirement for the needs. We are asking your land requirements flow from sharing that the necessary and you show that necessary by showing that you what you need them for, which in this case is the solar farm and associated landscaping.

01:30:01:09 - 01:30:01:24

With long.

01:30:03:28 - 01:30:09:17

Sorry. We have a long field then where they actually used and implemented.

01:30:10:21 - 01:30:11:09

Anita

01:30:13:03 - 01:30:24:16

talks. It's not that we don't know the details of Longfield, but they've asked for them and they've been granted them and it's not yet an implementation stage. It's only just been granted a few weeks ago.

01:30:25:03 - 01:30:25:20

Okay.

01:30:27:10 - 01:30:30:08

Okay. Thank you for that. Those those questions.

01:30:33:14 - 01:30:35:02

This is Holloway. Yes, this is.

01:30:35:04 - 01:30:38:28

Holloway from Post Action Group. We come in on to Article 30.

01:30:39:00 - 01:31:13:13

Yes. I was just going to come on Article 30. Would you like to in fact, by all means, make your point in Article 30. Now, we just we just. So just before we do. Sorry, sorry. Just on on Article 29, I just want to make two points. That the 14 days were both in the model provisions in 2009 and also in, as is most recent order, even after Long Field, which was the Boston Alternative Energy facility. So that was 14 days, the Boston Alternative Energy Facility order, which was late last week. Think so Think back to your point has to be justified on on each project.

01:31:13:15 - 01:31:36:15

I think taking from precedents is a dangerous game because every examination I've ever been in the same question is asked and it has to be justified in each case. Okay. Yeah. Thank you, Mrs. Holloway. Um, yes, actually, just hold on a second, Mr. Holloway, because. Think Mr.. Beamish is now. Sorry, Mr. Beamish, you've joined us online.

01:31:38:01 - 01:31:38:24

Can you hear me?

01:31:39:20 - 01:31:41:03

Okay? Yes. Can you hear me?

01:31:41:11 - 01:32:07:28

Yes. Just wanted to say thank you and thank you for joining us. Um, we're just doing the articles of the development consent order at the moment. The draft of the consent order. And I'm assuming that you want to talk later on about, uh, church farm, etcetera, and your points there, do you? In which case it will be in the second part of the, uh, agenda. Okay, So, but welcome to the meeting and thank you for joining us and.

01:32:10:15 - 01:32:23:28

If you don't mind. If you can turn your camera off. Turn it on when you're speaking, if that's okay. Thank you. Thank you. Right. Sorry, Mrs. Holloway. You may. To make your point on Article 30. I understand.

01:32:24:00 - 01:33:02:10

Mrs. Holloway, from Past Action Group. Um, in some ways I have a great concern for Article 30 because temporary use of land for maintaining the authorized development. So through the operation, given the Time unlimited application, this clause could be open ended for a very long time, if not indefinitely. And how do we protect people potentially affected from that in terms of hanging over them? Um, obviously with the construction, it's, it's, you know, it is temporary and um, can be reviewed in that context.

01:33:02:12 - 01:33:07:24

But this creates great uncertainty with the time unlimited application. Thank you.

01:33:09:29 - 01:33:57:02

Okay. Thank you. If you'd like to come back to that and explain how this is intended to be, what the purpose is for why this article is in there, what it intends to do, as well as Mr. Fox applicant. So this is to maintain them development. But the key point is that a sub paragraph 11 of the article is that period only lasts for five years from the point of commissioning. So beyond that, if we wanted to um, use those powers again because we didn't have some kind of land deal, um, then, then we would have to have seek to try and seek and, and think in the context of the main sites where we have compulsory acquisition powers.

01:33:57:13 - 01:34:16:12

Um, the scope for this is fairly limited. I mentioned earlier the point that we've, we've said longer for doing landscaping and ecological works, um, partly in response to the concerns of the, and others that they want to make sure that we maintain them for the lifetime of the development.

01:34:19:23 - 01:34:36:27

How does it actually work in terms of five year maintenance period? And then there's maintenance required for landscaping. That's why there's a difference. So it's five years for everything other than landscaping and ecology, but for landscaping, ecology works. Oh, see, it's actually in the. Sorry. Yes, it's in the actual wording in 11 years. Let's see.

01:34:38:19 - 01:35:17:22

I think I can elaborate a bit further as well that whereas with the previous article 29, which is about essentially about construction and there's a geographically a wider potential for the use of that in terms of work stuff, land near highways and things like that, where we're talking about the maintenance of the development that's naturally going to have geographically a smaller remit because the maintenance of the project will be within the red line boundary and within the detailed design that we talked about earlier comes at the second stage of consent when when requirements are discharged.

01:35:17:24 - 01:35:48:26

So effectively the geographic scope for use of this maintenance, temporary use for maintenance is much narrower than the earlier article, which is during construction. So once detailed design is known and indeed the project is built, so it's physically demonstrable where it is, this maintenance power is going to be in and around environments of where the project is physically built rather than of wider application. So hopefully that offers some reassurance. Is the geographical use of the power?

01:35:49:19 - 01:35:51:28

Okay. Thank you, Mrs. Holloway.

01:35:53:05 - 01:36:16:15

Mrs. Holloway from Action Group were the cable route to go through ascending? Um, you know, surely maintenance requirements could crop up outside of five years? Things don't break down just within a prescribed time. What happens if there are maintenance issues to do with the cabling were to go through the A6 one two, one.

01:36:17:11 - 01:36:31:29

Spokesman half of that. That that's why we've talked about acquisition of rights powers under the street for that because that they um, essentially the rights that we've sought. As for schedule nine is to do the works and also maintain them in the future.

01:36:32:17 - 01:37:06:22

But think if I'm, if I'm interpreting this correctly, it's more about how when will this use arise, as in when would we need to do that? And effectively the position is no different to how things are now. Already those roads have utilities in them, whether it's gas, electricity, fiber optic cable, whatever happens to be there. Those utility, that utility apparatus can be maintained at any time. That's why we see roadworks pop up in normal life and it will be the same in terms of this project.

01:37:06:26 - 01:37:29:17

One One hopes that when the cables are put in place and bearing in mind they're used by this particular project, rather than functioning over a wider period, the need to maintain would be less. But in the same way as the new Roads and Street Works Act governs, governs works for the highway where cables already exist, the situation would be the same in the future.

01:37:31:04 - 01:37:54:20

Okay. Thank you. And we're going to come back to I'll let you speak, Mr. Staines. We'll come back to think this afternoon in terms of site specific locations, discussion of the cable works. Well, that was my intention anyway. But as that site specific, can we just deal with that those in the in the afternoon under that particular item? Because I do want to explore that this afternoon was your point on that, Mr. Staines. B Are you happy to leave that till this afternoon when.

01:37:55:16 - 01:38:31:05

Mine was just really on a very important point that I think has been forgotten. When this application first came to our attention, we weren't made aware or could find any information initially about compulsory acquisition. This is indeed a dark cloud hanging over the residents of S9 and particularly because we still have no confirmation of which route any cabling will have. This is having a quite a detrimental effect on residents who don't know whether or not these cables are going to come through the village.

01:38:31:07 - 01:39:03:00

But secondly, I'd just like to pick up on Mr. Phillips point where he said, well, of course we're all used to having utility cables at the ends of our drives which need maintenance. We don't have gas in the village, by the way, but those cables and utilities that we do have connections for, we need them. We need to have broadband, we need to have electricity, oil pipes, etcetera. We don't need the solar.

01:39:04:16 - 01:39:43:13

Okay. Thank you. Just in terms of the generality of that point, rather than getting wound up at the moment into the Cable and Essendon route, which we'll do this afternoon. But on the general point about the consultation etcetera, that this is going to be raised and that I think we've set out in our response to relevant reps and others about the timeline for this and that when all interests were identified, they were written to think, think we'll come back to it later. But I think we need to be clear on the differences between the impact from a land perspective and the impact from Highways works happening within the village and the impact from the land perspective.

01:39:43:15 - 01:40:11:21

It's the people have been identified in the book of reference on the basis of a presumption, a rebuttable presumption that they may hold an interest in the subsoil to the highway. And that's where the cable goes. But from a from a land point of view and value of the property or the enjoyment of the property, recognising the concerns about when the cabling was happening. But otherwise the cable is in the streets and has no impact on the enjoyment of the property and.

01:40:13:09 - 01:40:13:24

Yes.

01:40:16:01 - 01:40:18:02

Okay. Thank you, Mr..

01:40:19:19 - 01:40:33:22

Before we break for coffee break. Sorry, we've gone past 11:30, but apologies for that. But think. Mr. Williams, did you have your. Sorry, you're behind the camera. So your hand was behind the camera, so I missed it. Sorry. Um, okay.

01:40:33:27 - 01:40:54:07

A quick one. Um, when the detailed design is done and the area required has been set, are the order limits then reset? So, for instance, you know, if a piece of land at one extreme isn't required.

01:40:56:11 - 01:41:09:00

Right. See, if it stays within the order, then it's then presumably at a later date that the applicant can come back. So they actually we're now going to begin our programme of refurbishment and use that for whatever purpose.

01:41:09:05 - 01:41:09:20

See what you mean.

01:41:09:24 - 01:41:21:01

Is that the case? Or once the detailed design is done, should the order limits not be shrunk? Okay. So contain the the development within its natural envelope.

01:41:21:21 - 01:41:23:05

No. Know. Understand your point completely.

01:41:24:13 - 01:41:54:28

Gareth is the applicant. At that stage the audit limits have already been set, so the order limits are set at the time the DCO is granted. The design point we're talking about is subsequent to that when when the requirements are discharged. So. So no, the order limits. The order limits wouldn't change. But of course there is the opportunity when we're setting out these compulsory acquisition powers, they are intentionally set at some sort as a backstop, certainly on projects that that I've been working on over the last 20 years.

01:41:55:00 - 01:42:36:15

The powers are there, but in most cases the times they're actually used is where you have an unknown piece of land or unknown ownership circumstances where for whatever reason an agreement with the landowner has been set aside. So examples of that can be the landowner is it becomes bankrupt and a trustee in bankruptcy decides to set aside an agreement. Or perhaps there's a point that's arisen on death and it's essentially, um, you know, a point that comes up when dealing with the estate or indeed divorce that can sometimes have an effect on the freezing of assets and agreements and things like that.

01:42:36:17 - 01:43:09:12

So whilst they look like draconian tools, in actual fact, they're not always needed in, in the eventuality further down the line. And certainly when negotiating with private landowners for the land needed for this, those private agreements set out very clearly what is going to be done where and in what timescale. So essentially the landowners involved have the ability. To influence what land is going to be used for, what purpose, over what period, and when that agreement is put in place.

01:43:09:14 - 01:43:19:16

Essentially, there is no need to use compulsory acquisition powers in respect of that that land ownership, unless one of those circumstances was just describing arises. Is there any risk of any.

01:43:19:18 - 01:43:30:12

Right to still use the word sort of hanging over land, which has been decided it's no longer needed? So the order limits stay the same. At the point that was granted, then.

01:43:31:03 - 01:43:31:23

The rights.

01:43:31:25 - 01:43:35:27

May still be applicable over land that that just is owned by somebody.

01:43:35:29 - 01:43:36:28

As it used to be and is.

01:43:37:00 - 01:44:10:20

No longer needed within the limits. But it still might be, I don't know, some unforeseen circumstance which results in those rights being used, perhaps sort of unjustifiably. So any risk of that? Think that's what Mr. Williams point was getting at that those those rights, those all these things we've been talking about still hang over land that is no longer required, which can, you know Mr. Fox think the answer to that question practically is no, because all the powers have a five year time limit, the cross section of rights and temporary possession, and it's five, five, five years from the order being made.

01:44:11:07 - 01:44:41:27

And we've talked through the fact that has to be made, get to the challenge period, get through discharge conditions, get through your two years of construction. So actually, by the time these powers, particularly Article 30, for example, come to me to be played, you have a year, possibly two, where they might be in question and you would need them to make sure that you're able to fix any kind of issues that have arisen in those first two years as the scheme kind of takes hold, so to speak. Okay.

01:44:41:29 - 01:44:45:21

Thank you. Is that. You go as quickly?

01:44:46:15 - 01:44:50:03

Yeah, I think so. So what you're saying is that.

01:44:51:18 - 01:45:32:18

If you don't exercise whatever powers within the five years that if in 20 years you need to maintain something that you can't refer back to the older limits that are now set out the 2000 acres and say, well, actually under the we can come and use this area for whatever, even though it's not actually included in your detailed design. So not what you've actually built. So say the example give is the site is whatever it is, it's five miles end to end and say you only use the first three miles at a later date for whatever reason.

01:45:32:20 - 01:45:45:04

You can't come back and say, actually, we want to use something that is in the mile five area. To do something. So you can't. If I'm explaining it very well or not, perhaps we could cover it offline. Don't know.

01:45:45:12 - 01:46:16:11

Well, Gareth understood the point. I think we might as well address the elephant in the room here. Which is that Mr. Williams land on the face of the application, does form part of the order limits. And there are ongoing negotiations with Mr. Williams. And so all of these concerns are the sorts of concerns that can be addressed through negotiations and settled through private agreement. And indeed, when that is achieved, that there is no longer a need to worry about the compulsory acquisition powers because the deal has been done in respect of the land.

01:46:16:13 - 01:46:17:09

And if they're not achieved.

01:46:18:15 - 01:46:53:11

That's a slightly different point I'm making though. So the land is within that. That's what it's called now, but it's it's within the red line. So. So you don't exercise an option. You don't take a lease. But in year 15, you actually need to use a bit of the land for something. In year 15 under because it's still

within the order limits that are set. Now. Can you come back in year 15 and demand use of that land for something and whether it's temporary or whatever else?

01:46:55:21 - 01:47:28:15

And the answer is no. If we've not used the powers or not reached the voluntary deal. Yeah. Five in a day. We have no powers anymore over any land. So we're in a situation where you don't need part of the site. Then ten years time, one part of the site, for example, or trying to think of a reason. There's some reason why the solar panels can't operate. Then you think, Well, actually I'll use this other part of the site. You can't do that. That's right. Okay. And obviously do continue discussions offline in that regard as well as. That's helpful. I want to break for coffee very quickly, But Mrs. Willey, you had your hand up.

01:47:28:17 - 01:47:31:06

So just briefly before we break.

01:47:31:25 - 01:48:09:11

It was really in relation to the last point about boundaries. I don't follow the logic which says that if the if the if the the final design shows that you do not need enough land to achieve what you have actually set out you wish to achieve as part of this scheme, you then need to retain the red line boundary. This is not about this is about the the reasoning why you would need to maintain the red line boundary if you can demonstrate that you can achieve everything that the project has set out to achieve in terms of its energy production.

01:48:09:22 - 01:48:38:15

Why do you need to actually maintain those order limits when actually there is a huge amount of logic that says that you should reassess those, you should reassess those boundaries and reduce them. The impact on residents would be quite significant if that was actually done, and I think we'd start to address some of the many concerns which are being raised over the size and scale of the site. If it can be delivered more efficiently at the design stage and can see no recognition of that and can see no way through getting those order limits changed from what we've been hearing this morning.

01:48:39:08 - 01:49:09:17

Gareth, it's the applicant. The order limits are set by the Secretary of State when the is granted. So if I can give a given analogy, um, if I'm to put, if I wanted to do it, like did I put an extension on my kitchen to create a new kitchen? So when I applied for planning permission for that planning, permission was granted and there was a plan accompanying the planning permission that set out the red line, if you like, within which the planning permission could be implemented. That red.

01:49:09:24 - 01:49:46:14

Now I've built my kitchen and finished the garden around it. That red line stays the same. There isn't, you know, the council doesn't then say, well you built your kitchen and that's that. But the red line now needs to change. It stays that it is because it permits, it sits with the consent at the start. So that's the logic of it, that essentially A is granted like a planning permission. It has a suite of plans that show the red line area that it can be implemented in, in the same way as a planning permission has a red line area that says where it can be done in terms of allaying concerns of residents I think might take take to disagree on that.

01:49:46:16 - 01:50:24:24

I don't think that the changing of the order limits in the future is going to make much difference because essentially the project is going to be designed and built within the red line. Whether the red line steps back or not doesn't really make a difference. For example, at detailed design, if, as we hope, the cable from solar farm to substation goes beneath the railway and there is no need to put the cable in the road, which is everybody's objective to avoid at that point, one doesn't need to worry about the

red line in the order limits because the cable has been laid under the under the railway line to the substation.

01:50:24:26 - 01:50:29:00

So the rest of it almost becomes irrelevant at that point.

01:50:29:23 - 01:50:44:17

And just to reemphasize any concerns that might be had there set for the period of time that they're given. So it's five years once once that five years and day is up, the order limits are essentially irrelevant because the order powers are gone

01:50:46:09 - 01:51:14:18

and it's bit but it's analogy planning permission to have a time limit. Okay. Thank. Noah and understand understand the point you're making. And obviously we take all these points into account and have to grapple with them in our in our final recommendations. So that's all very helpful. Thank you. Let's now break for coffee or tea or whatever it is. If we return, please, at 12:05 will adjourn till 12:05. Thank you.