

**Mallard Pass\_CAH1\_14 July\_PT2**

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FULL TRANSCRIPT (with timecode)

00:00:05:10 - 00:00:06:29

Right. We'll recommence.

00:00:12:08 - 00:00:27:17

We got to the end of item four of the agenda, which was draft development consent order provisions. I've asked all the questions that I wanted to ask and just wanted to check are there any other matters anybody wishes to raise about the proposed

00:00:29:07 - 00:00:31:03

compulsory acquisition articles?

00:00:32:19 - 00:00:33:16

Mrs. Holloway.

00:00:34:22 - 00:01:05:27

This is Holloway for Marlow Action Group. It may be able to come up later, but it would probably need to be within the articles, potentially. Um, depending on what outcome there is for the cabling. I'm not trying to draw that out at this stage. Um, could there be some kind of provision for whatever the final decision is that the remaining compulsory acquisitions which that are not applicable, don't stay within the DCO.

00:01:06:03 - 00:01:22:17

So we don't still have this broad envelope of people affected. On the book of reference, if an aspect of the construction works is not actually going to happen, i.e. the cabling throughout and line so that it isn't retained as an option.

00:01:24:02 - 00:01:27:01

I don't know how that would be accommodated.

00:01:27:03 - 00:01:30:15

Okay. Thank you. Thank you. Thank you for that point, Mr. Fox.

00:01:31:07 - 00:02:06:01

Let's focus on that. Think as we discussed Tuesday or Wednesday. Um, that is, that's where we want to get to. We want to get to drafting that essentially says, um, that we can only use one or the other either through the village or through network Rail's land and that once we've begun one or the other and that we would have to notify the LPA and we've done that. The two reasons why we haven't done it. There's one reason we haven't done that and the second reason why we can't make the final change in simulation.

00:02:06:03 - 00:02:36:08

So the first point is that we need to be sure and we will come to it later in the agenda. The network rail have signed off on from an engineering perspective, all the cables that we need going under the arch,

um, to be able to have confidence that we wouldn't possibly need to use a combination of powers so that we are safe in order to build the scheme to commit to only having one option. Once we've got to that point, we will then happily put in the drafting as mentioned.

00:02:36:10 - 00:03:11:11

But the drafting will say that we have to choose at the point of implementation between the two powers. And the reason we have that is because we still need to, like we do for the rest of our acquisition powers, have to have account for the possibility that whilst we might have reached a deal with Network Rail, um, that they may renege on the option or we won't be able to finish all of the necessary legal paperwork above and beyond the engineering sign off, um, before we need to actually do the works. So that's why in the process, in the course of this examination, we wouldn't be changing the plans.

00:03:11:15 - 00:03:31:17

But we are optimistic that we'll get to a point where we will be able to bring forward drafting, which says that we can only use one of the two, and that once we've made that choice off the back of where we are with Network Rail, that we would have to notify the RPAs of the choices we've made as well as importantly, that will specifically say we cannot use the powers. That's what that restriction will do.

00:03:32:00 - 00:03:57:07

No to what you say about Network Rail and the discussions you're having with them. When can we expect those changes, additions etcetera to the DCO thinking in terms of having an opportunity to be able to discuss that, i.e., you know, in time before, you know, sufficiently in time before, you know, even even the sort of September hearings, if required to give people time to consider that.

00:03:57:09 - 00:04:06:28

Yes, sir. Well, we have the item on network rail, item seven, so we can undertake with it then or now. And Mr. Roberts has been doing the negotiations. Okay. I'm happy to come.

00:04:07:00 - 00:04:23:27

Back to that under the statutory undertakers, but I think that would be my plea actually is for it to come in early on as far as possible, early on in the examination. So we're not just getting things at the last minute and then having to struggle to get people's comments, etcetera on those things. So it will be very useful to get that.

00:04:23:29 - 00:04:35:02

Yes, sir. But as I said, we don't want we're not in position where we can where we can offer that until we know that they've signed off in their generic point of view. Because as I said, we may need more than one tree.

00:04:36:11 - 00:05:00:05

Okay. Uh. Can we move now to item five, please, which is funding. Nights at five. First of all, I don't think I'm aware of any updates apart from updates that have been or things that have been added to the funding statement in response to our recent questions or written question on this matter. But are there any further updates to the funding statement?

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Your understanding is correct.

00:05:03:04 - 00:05:16:17

And part B? Could you just give an overview of whether adequate funding is likely to be available to enable the compulsory acquisition to proceed within the statutory period following any draft being made?

00:05:17:18 - 00:05:49:05

Yes, sir. We've set that out in the funding statement. And in your response to first written question 4.0.6, which is document reference rep to 37, which explains the cost estimate that's been undertaken, proximally 38 million in land costs and explains the obviously that is a worst case scenario of all acquisition powers to be used. And then as I said before, of the six landowners, we were in a position where we have signed options. So we're hopeful that won't be the case.

00:05:50:00 - 00:06:23:24

And we've explained, um, the corporate makeup of the applicant and the companies which support it, which is ultimately Canadian Solar Inc and a rep to 37 Appendix K, We set out the latest financial report to Q1 2023, which fully demonstrates that Canadian Town Inc has more than adequate funding required for the proposed development and also demonstrates that it has enabled us to successfully finance a large number of projects with a capital market cap of approximately \$3 billion across the world.

00:06:24:07 - 00:06:26:27

So if it needed to access funding, otherwise it would be able to.

00:06:28:01 - 00:06:37:12

And is it intended that it would the project would be independently financially viable? Are you not drawing on outside sources of funding?

00:06:40:09 - 00:06:43:26

Well, as in it would be funded by Canadian Solar.

00:06:44:22 - 00:06:55:10

Right. So there's no there's no requirement for any outside funding from any outside sources, bodies, private public or whatever it might be. Okay.

00:07:00:11 - 00:07:04:06

Any comments from anybody on funding.

00:07:06:17 - 00:07:07:07

Mr. Williams.

00:07:08:17 - 00:07:26:00

Uh, thank you. Richard Williams. I'm interested party that Canadians have recently floated a large chunk of their business in either China or Hong Kong, didn't they? Is that reflected in the accounts that you've just referred to?

00:07:28:19 - 00:07:35:15

I don't know. I know you've referred in a written representation think to to to this matter which has been addressed in the response from the.

00:07:35:19 - 00:07:37:00

That's a slightly different point.

00:07:37:16 - 00:07:38:01

Okay.

00:07:38:06 - 00:07:56:07

Is the Canadian solar that Canadian the Nasdaq company. Think is divided itself in two and floated the production element in China or Hong Kong I think and what is left as old Canadian And then

00:07:58:11 - 00:07:59:18

can you answer that one? I don't know.

00:07:59:28 - 00:08:09:03

It's this relates back to your submission that received a deadline about the changes in that respect. You want to elaborate on that just for clarity for Mr..

00:08:09:05 - 00:08:28:05

Sir would have to take actions and have to respond to that in writing. I don't know if the answer to that is my head right now. Um, but we've the kind of the latest public financial reporting of Canadian Stone Inc was in Appendix K deadline to, as I said, that.

00:08:28:07 - 00:08:31:25

Right. So that's not related to the the rebranding the towers. Yeah. So doing the.

00:08:32:07 - 00:08:35:14

Well yes and but hadn't understood that was a question Mr. Williams was asking.

00:08:35:24 - 00:09:06:24

No I'm saying think they've actually taken a chunk of the company out of the vehicle and it's possibly the one that is reported in the accounts that he's he's referring to. And they've taken that out of that entity and floated it. In a different territory. Think they floated it and think it was in China. But so I think it's it's possible that the accounts that have been put there are not reflective of Canadian Solar's actual position because they've reorganized themselves.

00:09:06:27 - 00:09:15:16

Right. And think there's a free float of the new production business which isn't owned by old Canadian soda. Want to put a phrase.

00:09:17:08 - 00:09:27:27

Mr. Cliff might ask, what's the concern in this regard? What is it? What is it? What's the reassurance or concern that is needed from the applicant in respect of this matter?

00:09:28:22 - 00:09:39:23

Has anything as a result of what Mr. Williams talked about changed in regard to the funding statement information before before us? Does this make any change to what was already before us?

00:09:39:28 - 00:09:45:01

No. The applicants position is that there is sufficient funding available to construct the solar park.

00:09:45:20 - 00:09:51:01

So, Mr. Williams, do you want any? Any particular reason why this is relevant in that respect?

00:09:51:20 - 00:10:03:24

Just because what they submitted in submitting a set of accounts and saying and there's the evidence of the funding, if the company is actually changed itself significantly in structure since then, then those accounts aren't really reliable.

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Does that have any implications for the funding statement proposals?

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Not really. Because essentially if a company is floated that that results in an injection of capital. So if anything, there would be more money to build the solar farm. But it's a.

00:10:20:18 - 00:10:53:09

Different company, though. It's a different Canadian solar, isn't it? They've got Canadian solar that we've known historically that has been a vertically integrated manufacturer, stellar install or whatever of panels. And now we've got Canadian Solar, which is a manufacturer of Canadian solar, new Canadian solar, a Chinese company floated in China, which retains some of its ownership, is still by old Canadian solar. Which sells panels and develops and installs.

00:10:55:27 - 00:11:14:18

Guarantee is the applicant. We'll address this in writing afterwards, but would like to just stress, Mr. Cliff. These are all concerns for Mr. Williams that he can raise directly through the open communication channels concerning negotiation of his land. And I am concerned that time is being taken up today on both books. It can be addressed another way.

00:11:15:13 - 00:11:33:01

That may be right or not. Don't know, but absolutely have further discussions as you as you see fit. Mr. Williams. Acknowledge your point and that can be provided for response at deadline for. We'll have that down as an action point. Thank you. Anything further on this item.

00:11:36:12 - 00:12:07:09

Okay, we'll move on to section, not section. Yeah. Part six, which is human rights and public sector equality. Duty matters in relation to compulsory acquisition. And Mr. Fox, are you take this. So first of all, if you can just summarize briefly these four points that have been raised. Firstly, what regard has been had to Article six and eight of the European Convention on Human Rights and Article one of the first protocol, just a summary overview.

00:12:07:11 - 00:12:19:06

Please support the applicant and think it is just worth start emphasising. This is about human rights in the context of the compulsory acquisition that we're talking about here. Yes.

00:12:19:09 - 00:12:20:03

Said that the.

00:12:20:10 - 00:12:55:27

Yeah, absolutely. The and that's references to impacts on property and private and family life. Now we have obviously in section eight and statement of reasons we've talked about how we consider we meet the test in relation to human rights and we accept of the order is made. There may be an infringement upon the human rights of persons imbued in those articles of the convention in the protocol. But all of those rights are subject to the test of proportionality in the public and public interest.

00:12:56:14 - 00:13:19:03

And in our submission, the public interest for the scheme and the powers that are needed in order to develop the scheme have been well made. Um, touched on them earlier in terms of the need for the scheme, the need for solar regeneration, the need to save the planet in order for us to reach net 0 in 2050. Um, obviously we've, in terms of, um,

00:13:20:18 - 00:13:52:01

we've sought to negotiate with landowners at all times as shown by the fact that we have been able to conclude throughout the six deals for the main site. Um, there are no dwelling houses that are affected by the scheme, by our compulsory acquisition powers. Um, we've clarified the position on the subsoil interest. There are no, um, so renown residential properties that form part of the order limits. Um, Article six relates to the ability to have fair hearing in relation to that powers and that's what we're doing right here.

00:13:52:21 - 00:14:24:20

And as already discussed today, the consultation and the Conservation Grants and Planning Act require us to write to all landowners, have the order limits on the plans that show them. Um. The lands that might be, um, might be subject to the palace. Um, in terms of the questions of degree of importance attributed to the existing uses of the land proposed to be acquired. We've done that in two ways, both in terms of the powers that we've sought and the design of the scheme and in terms of the main sites.

00:14:25:11 - 00:15:12:13

As we've touched on this week, our Site Selection Process and Alternatives Considered. Um, you know, one of the first questions we asked ourselves was willing landowners and we've proceeded on the basis of those willing landowners. Um, any other, um, scheme that we brought forward would have been further away, which required grid connections, cabling and therefore more landowners being involved in what we have already. Um, in terms of the, the impacts to the existing uses of the main site the farming uses, I won't dwell on the discussions we've had this week in terms of agricultural land and land use and the difference between them, but that ultimately the soils will be able to be used once the scheme's decommissioned and the land use.

00:15:12:19 - 00:15:55:13

Um, we've touched on and think it's also worth saying that all the landowners have been willing. So therefore they have said that they consider that their farm business can carry on with the scheme in place and will draw your attention to appendix 12.6 of the which is document reference App 93, which sets out the interviews that were held with the various land interests or the farms that are affected, and all of them indicate that their farms are able to continue and in one instance at least, that the income from the solar farm will actually ensure that their farm is able to continue financially.

00:15:56:06 - 00:16:27:10

Um, so that's very much been taken into account in choosing landowners who want to do that. In terms of other powers are cabling, that's outside of the main sites has been um is nearly all in the streets. Um, and as Mr. Philip touched on earlier, um, something that is a well-worn process for cables to be in streets, um, and vegetation management rights that we've sought relates to the management of vegetation that is already there.

00:16:28:01 - 00:16:31:03

Um, so, um, don't think that, um.

00:16:32:27 - 00:17:00:01

We've clearly thought about the use of land in the context of the powers that sought and. And in any event, obviously the case in the public interest for the scheme means that those important aspects of importance need to be weighed up. And we would argue that the compelling case for the scheme through its need would outweigh the importance of the existing land use in any event.

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And.

00:17:07:24 - 00:17:08:15

I think the other.

00:17:09:03 - 00:17:10:06

Thing that covers a lot of things.

00:17:10:25 - 00:17:11:10

Okay.

00:17:12:13 - 00:17:39:03

Thank you. Obviously, these are matters which we have to go away and consider. There's lots of things that Mr. Fox mentioned that relate to other parts of the examination as well. So these are themes that we have to sort of consider going through the entire examination. But are there any general points that anybody wishes to make on these matters at this at this point in time? And obviously, we do take account of representations where human rights have been referred to as well.

00:17:42:14 - 00:17:53:11

Okay. Thank you. So that takes us to the end of session one, as we only recently had a coffee break. Think we should? Mr..

00:17:53:22 - 00:18:18:03

Sorry, sir. I just wanted to say because I didn't touch on the equality duty, which briefly, which I thought was going to be a separate question, but it was just to make the point that as a public body, the applicant is not subject to the equality duty in the Equality Act. But in any event, we would say that any aspect of our scheme would impact upon the protected characteristics of anybody in the community.

00:18:20:25 - 00:18:21:26

And. Yeah.

00:18:23:04 - 00:18:30:05

Thank you. So if we. Carry on with session two now and we'll carry on till.

00:18:31:22 - 00:19:20:05

Well, let's see where we are because think it's probably in terms of item seven is a review of the applicant schedule and negotiations and power sort and related matters. So I'm propose that we do a which is whether there are any updates to the book of reference, uh, be for the applicant to summarize outstanding objections and progress with negotiations. And then perhaps if we can get to see you could do the applicant, you can do your overview of where we currently are in relation to the East Coast Main Line railway, and particularly providing that uh, clarification of the powers that are sought for the benefit of people here, also people watching online, and then we'll see where we are then.

00:19:20:07 - 00:19:23:19

But it may well be that that takes us closer to lunchtime to have lunch.

00:19:25:14 - 00:19:25:29

Okay.

00:19:29:11 - 00:19:44:09

So yes. In regards. Any updates to the. If you can just give us a little bit of sort of a just a general summary of where you are with the book of reference. Is it now complete as far as you're concerned? Obviously have been some recent changes to it. So just an overview. Yes, sir. Mr..

00:19:44:22 - 00:20:14:12

The applicant. So yes, the latest references. Rep 307. Um, it has been updated a couple times through examination. There was one which was in response to some relevant reps in terms of a write for some aspects of the Virgin. I'm sorry, but otherwise, um, the updates have been because we've been discharging the duty that is incumbent upon us to keep doing the land registry checks to make sure that our data is up to date.

00:20:16:27 - 00:20:25:18

So yes, it's accurate and complete as on the basis of all land registry data that we currently hold. Um, obviously we will continue to check that.

00:20:27:00 - 00:20:37:19

Okay. And that includes Category three parties. Yes. As well. Okay. Any comments on the book of reference from anybody, Mr. Williams?

00:20:41:24 - 00:20:47:24

Yeah, it's an accurate in respect of the Williams land that can.

00:20:50:06 - 00:20:51:25

Deal with that directly with.

00:20:52:03 - 00:21:08:05

If you could. But yes, think no. The point you're you're raising because think we have made the decision to obviously have you as an interested party when you weren't originally interested to party and others to. And it's whether or not that needs to be included in the book of reference.

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So we'll take that away from someone important.

00:21:09:26 - 00:21:11:25

Okay. Thank you. Okay.

00:21:17:15 - 00:21:31:19

Right point be the applicant to summarize outstanding objections and progress with negotiations. So if you could just set out an overview of who's taking this point, but an overview of where you are.

00:21:33:04 - 00:22:12:08

Yes, sir. And so think this obviously the point about who submitted objections to the acquisition, who has not, and where we are more generally, and you would have seen that the objections to compulsory acquisition have have been very limited and it's undertakers and the points that have been raised in relation to, to subsoil interests, um, and the wishes in terms of obviously we changed the land plans following discussions at the first set of hearings, at the premium meeting and open floor hearing, um, so that they are still able to access the track that they use to access the property.

00:22:12:28 - 00:22:53:26

Um, and we understand I'm sure must be confirmed with their content with that, um, the, the subsoil um, point and imagine will come to it probably after lunch. But um, we've kind of set out our position on that, um, and that if people want to contact us, you know, we're happy to talk about it. Our position is obviously that given the, the options and the cabling route and also given that we need to wait to see if we're actually going to be granted powers over that route or any other, um, that we won't be able we won't be making any payment now if we felt it was necessary.

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As mentioned earlier, the subsoil is a presumption. So people will need to show that they've

00:23:00:07 - 00:23:38:09

got that right. And also think, given that what the powers are, which is to put a cable under the street outside the house and it's not actually the house that they are sorry, it's not the road that they say, um, that any value to this will be very limited in of compensation or otherwise. Um, so we're happy to have those conversations, but um, any kind of payment wouldn't be made until post um, decision. Um, on statutory undertakers provided an update, um, yesterday on that um, Cajun and Jet Anglian Water.

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Actually, could we leave.

00:23:39:08 - 00:23:41:10

Saturday and take us to ten. Sorry shouldn't.

00:23:41:25 - 00:23:42:17

No, no, no, no, no.

00:23:42:19 - 00:23:52:20

Leave those aside to to till ten because now we've got the Environment Agency. Yes. With us as well. And as I said earlier, we'd be doing that a bit later on. So let's deal with that, if that's okay.

00:23:53:08 - 00:23:59:25

And then the as explained in terms of the main site landowners, um.

00:24:01:10 - 00:24:04:08

Four out of six are complete.

00:24:07:00 - 00:24:11:11

I'm one one who's got the heads of terms. So we're moving towards the option and then the other. Mr. Williams.

00:24:12:10 - 00:24:14:27

Okay. The four that are complete, are they? Actually, they're not yet.

00:24:14:29 - 00:24:19:01

Fully, yes. Had the terms agreed and the options are agreed as well.

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But they also have permitted objections.

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So no, they've not.

00:24:33:10 - 00:24:52:29

Okay, we can come on to any specific points that Mr. Williams may or may not to make later on. Anything further under B? I've got a quick question in terms of the local authorities. Any updates in any engagement with mean? There's no actual objection from them?

00:24:53:14 - 00:24:54:27

Yes. I mean, think would.

00:24:54:29 - 00:24:56:13

We not got them here today but.

00:24:56:17 - 00:25:13:15

Would suggest that the position is as it was yesterday in terms of the hearing in that if they're seeking further control of the works that were taking place and the powers that come with them, then we haven't heard anything from them. But we will respond to them when we do. Right.

00:25:14:08 - 00:25:24:07

Okay. So there's been no engagement as yet. Sort of two or. Well, you obviously have engaged with them in terms of what you've done, but in terms of actual sort of informal engagement, it's not been that.

00:25:25:18 - 00:25:26:03

No, sir.

00:25:26:05 - 00:25:27:21

Because it's a two way process.

00:25:28:01 - 00:25:39:29

Yes, because think at the moment our position is we have the powers to do what we wish to do and we need them if they require further control. I think what I would say is that the

00:25:42:15 - 00:26:02:20

tool, because it's more of a point, but the the street works powers that are in the DCA subject to various controls, including the requirements, including the reinstatement needing to be there to their reasonable satisfaction. So it's not as if they don't have the controls already. Um, and it's the question is if they want more controls.

00:26:03:28 - 00:26:26:12

Okay. Meaning from my point of view, on the point of view, examining authority, we can ask written questions. Although my general assumption is that there are opportunities for people to to write in in response with written representations, etcetera. So generally we don't go to everybody to say, Do you object or not to this? Do you have any comments? Of course. But but if. Yeah, don't know if if some informal engagement could take place.

00:26:26:22 - 00:26:28:10

Yes, we are we are engaged engaging that there's.

00:26:28:12 - 00:26:36:00

No what don't want is late issues arising obviously in the examination. So those are going to be issues they do need to be raised now. So.

00:26:36:17 - 00:27:09:20

Yes, sir, we did. In terms of your comment yesterday that you want the to be, you know, explain what's agreed or not agreed on the DCI, and we will be for the the for the local authorities. Yes. Yes. We produced will be expanded upon. And what we're proposing is that we will have specific tables which essentially say unless otherwise noted, the articles are agreed and then we'll set out the position for each article. There's not that's not agreed and the requirements similarly um, and the management plans.

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So hopefully that will therefore draw out from the local authorities their position.

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Thank you. That sounds that, that would be helpful from our point of view. Thank you.

00:27:20:02 - 00:27:20:18

Uh.

00:27:27:12 - 00:27:39:26

In that case, we can move on to item C, which is your update on the cable crossing options and what they would mean in terms of the powers that are being sought.

00:27:41:06 - 00:28:00:11

Yes, sir. So I will bring Mr. Robertson momentarily to just explain where we are in terms of the negotiations with Network Rail. Um, and then apart from that, I think I've kind of essentially set out the position in terms of the powers in the discussion just before the break. Okay.

00:28:02:27 - 00:28:46:18

Good afternoon. You Roberts for the applicant. There are essentially three options for network Rail wanting to cross the road bridge. One is across both understood say the railway through an existing arch and one is some high directional drilling through an embankment. We have applied and obtained both sales and technical clearance from that rail to route the cables through the arches. And we have input and the applicant has engineers who are engaging directly with network Rail's engineers and are moving towards a basic assets protection agreement which we are hoping to finalize towards the end of next week.

00:28:47:02 - 00:29:18:22

They'll then be a period about 21 days after that where we're trying to basically further the discussions on the design. Without getting too technical, because I'm not an engineer, effectively we're looking at putting a tray structure in one of the arches and the cables will sit on top of that tray within the arch. There are three arches within that particular structure. The middle one has cadent gas pipe straight through the middle of it, which we are conscious of. We don't want to interfere with that.

00:29:19:13 - 00:29:28:29

So at the moment it is being the discussions are centering on putting the cable through the northernmost arch of the three.

00:29:30:29 - 00:30:25:28

I've been engaging with the Whales and Easements team at Network Rail. We've we've discussed high level principles and heads of terms for an option agreement, which would be a three year option with 60 year license all extendable. The heads of terms have been sent by network rail, reviewed by the applicants and responded yesterday to network Rail with some, to be frank, pretty minor amendments. So on the assumption we can agree those heads of terms and pretty short order, but then instructing prospective solicitors to go to a full agreement, the implementation of that agreement, the exercise of the option would of course be dependent upon satisfying network Rail's engineers would all be subject to papers and engineering clearance, but we would hope to be in a better idea fairly soon.

00:30:26:00 - 00:30:41:21

As to well put it this way, the feedback I'm getting is that the prospects of that solution are pretty good, but obviously we need to keep alternative solutions available for the time being until we have the agreements in place that we need.

00:30:44:20 - 00:30:46:18

And more elaboration on fairly soon.

00:30:47:26 - 00:31:07:08

Oh, this is not what we're talking about. Um. Uh, fairly soon. Well, as I say, The Baffler we're hoping to complete this week Space gas agreements. Um. The option agreement would sort of relying on solicitors here would have hope. Month. Two months. Unfair.

00:31:08:06 - 00:31:12:18

Perhaps? No. No. Sorry. No, totally. Yeah.

00:31:12:20 - 00:31:31:17

It would be quite helpful, actually to get. Don't know if this is possible with network rail, but to get an agreed timeline or agreed proposed timeline. No. Things happen that can cause delays and what have you occasionally. But with in terms of and where in terms of that would be quite helpful to get if there can be an agreed timeline that would be useful. But also

00:31:34:00 - 00:31:54:27

in terms of getting something in terms of getting to the end of this examination, will this be matter be how far are we going to go and take what Mr. Fox said on Tuesday when we discussed this, about the fact that there's still going to be the options in the draft, in the draft on the consent order by the time the end of the examination. But in terms of.

00:31:57:21 - 00:32:08:07

Overcoming whatever obstacles these obstacles is the right word. Perhaps it's not. But the matters that need to be sorted out is that life to be done by the end of the examination, which is mid November?

00:32:08:09 - 00:32:43:02

Think Yeah, certainly that has been the theme of my discussions from the very start with Network Rail. They need to the one issue that needs to be overcome yet before I can give you any certainty is they obviously need to draw down a solicitor from their panels solicitors. They haven't done that yet. I'm hoping that now that we've agreed effectively to terms, they will do so and that's what ask for confirmation of already. So as soon as they have that conversation at that confirmation, we'll be able to update you on that. But at the moment, the risk of of misquoting network Rail think it'd be difficult for me to be more precise than that.

00:32:45:00 - 00:32:58:09

Gareth wrote to the applicant. It might well be helpful if if the examining authority were to take taken action away from May suggestion and consider whether you would like to write to Network rail and ask similar questions of wanting to.

00:32:58:11 - 00:33:28:13

Say that we will be asking questions that of them in writing because obviously we've not had them before, as I don't think at all at this examination. So yes, I was going to thank you. I was going to say that that we will be writing to them to get their version, because obviously we've got that written representation which sets out their position probably now a few weeks ago. And it seems that things have moved on from there. But yeah, we will we will do to get their side because obviously they were unable to address us and set out the side today.

00:33:28:15 - 00:33:44:00

But think again, as said on Tuesday, I think it is important that agreement is gained as quickly as possible. And it said that progress is being made, but also aware that negotiations can hit issues and problems along the way as well.

00:33:44:02 - 00:34:09:09

So the one thing I would like to point out in their representations is that their representation isn't actually accurate, which may lead to some misunderstanding by the landowners, etcetera, in that preferred option is not the road bridge preferred option, certainly by Network Rail and we worked with them on this is to go through the arches and that's very much the position. I think there's been a bit of disconnected in network rail as to what they think they're agreeing to. So I just would like to flag that up.

00:34:09:27 - 00:34:10:28

And is it

00:34:12:16 - 00:34:40:21

moving away for a little bit in terms of three options? All three options are going to remain in the draft consent order or is the other because there is a third option, which as far as I can make out from reading, is not going to take place. So the, the I'm not gonna say which option it is because there's two different documents that say the options are in different order, by the way, which got me very confused for a while. But think the options in the plan are different to the options in the project description As a side point, it's not the end of the world, but it got me confused for a little while.

00:34:40:23 - 00:35:11:03

Yes, as I said, it's the options are the bridge and threatened. Then and I'm sorry the the option that Mr. Roberts has explained to me the brick arch and then the, um, option. I think the point is that the if we get to the point that we've got sufficient assurance from Network Rail that this has sign off, any drafting would provide, that would be done by reference to the plots in the land plans.

00:35:11:21 - 00:35:27:00

Um, because of there still would be the need for engineering detail. So the we're envisaging that it would say that we could only do one of plots X, y, Z which are the network rail plots or the plots on on them.

00:35:28:20 - 00:36:06:13

The very threatened on that would be the proposal because even if the one of the two that aren't through, we need the flexibility to be able to develop it. And maintenance access in the future, for example, may need more than just one single plot of network Rail. Um, and this is all in the context, remember that the protected divisions, which we understand they're essentially agreed will essentially protect them from any of our compulsory acquisition powers. In any event. Um would also just like to, before we move off this point, I think it's important to emphasize here that, um.

00:36:08:19 - 00:36:41:08

Even if moral agreement isn't able to be reached, we still need the option. Essentially, if it's not reached. The optionality is important because the cabling connects to the main parts of of the site. So in order for the applicant to build the scheme and the amount of energy that the scheme is due to. It's produce generates. Then we need to be able to build it. And so appreciate that optionality is never particularly favored.

00:36:42:05 - 00:36:52:12

But I would say that we must be able to maintain it until we're able to come to the final conclusion, because we need to be able to build the scheme out.

00:36:56:11 - 00:37:13:13

Okay, I've got a question on that, but probably will leave it till after lunch when we deal with the site specific things in more detail. Mr.. Let Mr. Fox finish on his because think you wanted to explain. Also, we asked you to explain the compulsory acquisition implications in a bit more detail or has that been done to the satisfaction of people think.

00:37:14:07 - 00:37:16:14

You want to get in touch with the crossings.

00:37:16:22 - 00:37:25:14

In terms of sort of just in sort of like non-technical terms, what those implications are, just so people think, just so everyone can understand.

00:37:25:25 - 00:37:39:04

So if if we get to the position where we're able to say we must choose between one or the other. That would mean that we'd have a specific prohibition in the DCA, which prevent us from being able to go through and doing.

00:37:41:07 - 00:37:57:16

And in terms of the actual rights being sought, though, in terms of the implications for them, because no, there's been quite a few representations about people not being clear about what actually is or the rights being taken and what the implications might be them. And there's the issue about the land share on the land plans going into conversions, verges, etcetera. So just sort of Yes.

00:37:57:27 - 00:38:17:24

Yes. About that, you can say, let's explain that. The open floor hearing and the the land plans are based on the plots, based on land registry information, which doesn't align with ordnance survey lines on the plan. So that's why it appears that

00:38:19:11 - 00:38:51:22

we go into residential gardens, but that is not the case. The plots are described in the book of reference and no, there is no reference to gardens or verges there. And the notes on the plan make it clear that we are not that we are not taking such land. So the powers that we are seeking are in the highway and the and the highway verge. We recognise that on some aspects of the road, some residents do have a right of access over the kind of grassed area verges and we are inclusive of that.

00:38:52:02 - 00:39:09:21

But the point is, is that the right sort of to install the cable and if we need to in the future to maintain it. Um, but after it's installed, there are no, um. The highway will continue to be able to be used as a highway in the verge will continue to be able to be used as a verge.

00:39:13:17 - 00:39:29:04

Okay. Thank you. Without going on to what we're going to be doing this afternoon, which is site specific representations from or on behalf of affected persons, do you have any questions on what's been said without without doing what you're what I'm expecting you to do this afternoon in terms of your representations in that respect.

00:39:30:26 - 00:39:31:12

Trevor Murphy.

00:39:31:22 - 00:39:35:17

Nine Parish Council, do have a question for I'm sorry, I don't.

00:39:35:19 - 00:39:41:15

Remember your name, sir. You mentioned some arches. Are you referring to Bridge 198?

00:39:46:05 - 00:39:51:04

But yeah, I think so. It's the bridge that's south of us and dying, right?

00:39:51:25 - 00:39:54:27

Not fun. Sorry. Park Farm.

00:39:57:17 - 00:40:00:03

Sorry. It is Bridge 198. Sorry.

00:40:01:21 - 00:40:33:14

Now, you equally just mentioned a point. Where should you require to place the cables through the middle of S9 on the eight six. One, two, one. Then the land plans do not align to the Ordnance Survey plans and that you have only intention to put the cable in the highway and the highway verge. Right. There are a number of people that are clearly very confused by the plans that you've provided as an applicant, and that has created a reasonable amount of anxiety.

00:40:33:25 - 00:41:01:18

Now, you've just said that you only wish to use the highway and the highway verge, etcetera, etcetera, etcetera. Is there any possibility of you, the applicant writing to all of the private individuals who are affected by this confusion to confirm the point you just made? Because many of those people are not here today or cannot attend for various reasons, and equally do not read the thousands of documents that are provided. Thank you, sir.

00:41:03:03 - 00:41:07:02

Okay, So I'll take that away because I'll have to take instructions on that.

00:41:08:09 - 00:41:13:09

Okay. Thank you for making that point and thank you for the response. We'll add that as an action point.

00:41:15:01 - 00:41:16:04

Mrs. Holloway.

00:41:17:12 - 00:42:05:21

Mrs. Holloway from Marlow Past Action Group. Happy to correct me if you think this should come up this afternoon, but, um, when we've talked about the three options, there is sort of also, um, a fourth option in a way because there is a whole set of cabling that does irrespective of whichever cable route you take to get over the, the main railway line comes down pit road and back into line onto the A6 one, two, one and would like to explore that now or later in the context of what other options and alternatives were looked at because that will still be very disruptive to Essendon on the main road and the Pequest road which will probably inevitably shut, I would imagine, because it's only a narrow single lane road.

00:42:07:11 - 00:42:11:18

Okay. Road is. Is south of the railway line. Yeah. Yeah.

00:42:12:13 - 00:42:15:24

Okay. Would you like to deal with that moment to that point?

00:42:22:12 - 00:42:37:05

My my suggestion was whether it could come cross-country from the northwest part of the site across the order limits on landowner's farm alongside the solar arrays. Given that there will be work doing there rather than.

00:42:37:25 - 00:42:40:19

That point, is that included in your written representation?

00:42:41:22 - 00:42:42:07

Um.

00:42:42:11 - 00:42:47:29

There are was going to say there are any alternatives proposed. I think probably best to provide details of those in. I'm not sure that.

00:42:48:01 - 00:42:50:07

Specific specific pieces now.

00:42:52:15 - 00:42:53:29

Something that's come to mind.

00:42:55:01 - 00:43:04:29

It might be something the best for you to raise if you want to pursue it in writing. The deadline for. Okay. And then that can be responded to. Okay.

00:43:05:03 - 00:43:06:11

Yes, sir. I mean, think.

00:43:07:05 - 00:43:07:25

About now, if you wish.

00:43:08:11 - 00:43:18:02

Say if we could just if over lunch, we can at least hope to come back to just explain why it is where it is and then we can in writing.

00:43:19:13 - 00:43:28:00

I mean, great fan of lunch time discussions on these things, absolutely clear things up, etcetera. So yeah. Is that this sustains me. Thank you.

00:43:28:29 - 00:44:00:04

Mrs. Staines. B. S and Village Hall could also point out that the road when there are accidents, as there frequently are on the A6 121, the traffic management brings the diverted traffic through Colby and along the road. So if we have a situation where cabling is along that road and we have issues with accidents, etcetera, we have a major problem.

00:44:05:10 - 00:44:06:18

Okay. Thank you.

00:44:07:25 - 00:44:23:19

Can she just say that, um, the. Our ability to do the street works is constrained by the fact that we have to get the traffic management plan signed off by the local authorities before we do the works. Therefore, they would sign off on any of the traffic impacts and management.

00:44:24:15 - 00:44:28:08

To deal with that. Okay. Okay.

00:44:29:09 - 00:44:59:21



I'm sensing that we're probably quite close to getting into sort of detail on site specific things that was meant to be for the next item. So shall we sort of break now for lunch? Uh, because I think we've got to the end of your update and to see so think we start after lunch at item eight. That is site specific representations from persons who may be affected by the compulsory acquisition provisions. So we'll adjourn now for lunch. And if we it's a if we come back at half one, is that

00:45:02:16 - 00:45:12:10

because. Wait one second. Sorry. There's a hand up from Mr. Beamish. Mr. Beamish, Is this something you wanted to say? So now it was just a quick question to ask Mr. Roberts.

00:45:12:12 - 00:45:13:09

Will Mr. Fox.

00:45:14:00 - 00:45:26:02

Mentioned the northernmost Arch railway bridge. Can I just get an understanding of which Arch bridge? As there were several and one of them is on our boundary land he is referring to. Please.

00:45:26:24 - 00:45:38:22

Thank you. Would it be helpful for for a bit more detail to be provided at deadline for and what the actual option is in terms of clarification on which arch, etcetera? I'm not sure. It's actually completely clear at the moment. Yes.

00:45:39:09 - 00:45:40:05

I suggest we do that.

00:45:40:07 - 00:45:53:03

Dealing with Mr. Beamish, his point? Actually, I think we're quite helpful for us as well as actually thinking whether or not it needs to be included in the site inspection. I'm not sure if there's actually anything we could probably glean from it or not. I don't think that the operational.

00:45:53:05 - 00:45:53:20

Yeah.

00:45:54:02 - 00:46:05:15

Possible, but but Mr. Beamish think that's a good point. Thank you. And and if more clarity can be provided because there isn't much clarity at the moment apart from I think there's an arrow over the railway line, isn't there?

00:46:05:21 - 00:46:06:10

Yes. Think.

00:46:06:27 - 00:46:07:12

Think.

00:46:07:14 - 00:46:11:06

We can look to do some form of basic engineering drawings. Yeah. Yeah.

00:46:11:08 - 00:46:13:10

And be useful for everybody.

00:46:13:16 - 00:46:18:15

I think after lunch, if it helps, we can just verbally confirm what the position is in terms of his language as well.

00:46:18:26 - 00:46:33:26

Okay. Thank you, Mr. Beamish. Well, that's been actioned. Thank you. Right. If we break for lunch and come back at 1:30, is that okay for everybody? A 40 minute lunch break? Yeah. Okay, good. Thank you.