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FULL TRANSCRIPT (with timecode)

00:00:07:06 - 00:00:22:18

Okay. Good morning, everybody. It's 10:00 Am, and I'd like to welcome you all to this second compulsory acquisition hearing. I can confirm that everyone can hear me okay and that the live streaming and recording of the event has commenced.

00:00:24:13 - 00:00:46:21

But this is part of the examination of the application. By the examination of the application by Mallard Solar Farm Limited for a development consent order for the proposed Mallard Pass Solar Farm. My name is David Cliffe and I've been appointed by the Secretary of State to be the lead member of the panel to examine this application and now ask my colleague and fellow panel member to introduce himself.

00:00:47:15 - 00:00:50:23

Good morning. My name is Mark James and I've also been appointed as a member of the panel.

00:00:51:22 - 00:01:23:10

Okay. And together we constitute the examining authority for this application. Also present today are Johansson. I think everybody here knows, and he was the case manager for the examination, along with Ben Chan from the Planning Inspectorate's case team. A few housekeeping matters as usual. Please keep all devices and phones to silent. Uh. The toilets are back out through the main entrance to the room. If you wind your way around and they're on the left hand side, there are signs to them outside and.

00:01:24:22 - 00:01:52:11

There's no planned fire alarm tests that we are aware of. There are two fire escape options. There's one. On my left hand side following those signs. And the second one is through the doors at the back and again following the signs into the conservatory on the right hand side. And the assembly point is in front of the car park on the right hand side outside.

00:01:57:00 - 00:02:30:04

Okay. This meeting will generally follow the agenda published on the relevant part of the National Infrastructure Planning website. I think it went up last Tuesday and don't have a copy of the agenda can be put on the screen if possible. This is the guidance and it's possible that we may have other considerations or issues as we progress. Think for the most part, I hope to keep to what's on the agenda and we'll conclude the hearing as soon as all the relevant contributions have been made and all questions asked and have been responded to.

00:02:30:06 - 00:03:02:04

And we anticipate that the hearing should be completed by 1:00 today. And we have another issue, specific hearing on environmental matters starting this afternoon at 2:00. We'll have a short mid-morning break, as usual, at around about 1130 at a convenient point in the agenda. Also, as usual, today's hearing is taking place in a hybrid or blended fashion, meaning some of you are present in the room today and some of you are joining us virtually using Microsoft teams.

00:03:02:06 - 00:03:37:10

Whoever you are attending today, we'll give you a fair opportunity to participate. And a recording of today's hearing will be made available on the national infrastructure planning website as soon as possible after the hearing is finished. With this in mind, please, can you speak clearly into the microphone? Think this distance from the microphone, it's probably about, okay, uh, if you're not at a table with a microphone, then there is a roving microphone which you can use. And please keep your microphones muted when you're not speaking. And and it's slightly laborious, but if you can introduce yourself each time when you speak.

00:03:37:12 - 00:04:00:21

So it's clear on the recording that everyone knows who you are. A link to the Planning Inspectorate Privacy Notice was provided in the notification for this hearing, and we are assuming that everyone today has familiarise themselves with this document which establishes how the personal data of our customers is handled in accordance with the principles set out in data protection laws. And please speak to about that if you have any queries.

00:04:03:04 - 00:04:38:07

The purpose of the hearing briefly. This is the second compulsory acquisition hearing for this application, the first being held earlier in the examination on the 14th of July. And it is not our intention for questions or representations raised at the first compulsory acquisition hearing to repeated at this hearing. More Today's purpose is for updates to be provided and for the ourselves to ask questions on the latest positions of parties, including on written evidence that has been provided in responses to questions. And I think this will be the same for the other hearings this week, is that we don't want to go over old ground.

00:04:38:09 - 00:05:10:01

Principally, we have a series of questions that we want to ask on matters that have been raised in writing or at previous hearings. And it is important that we get through those questions so we won't be asking for evidence or points that are previously been made to be repeated unless we particularly ask for clarification on a point which we may do from time to time, because obviously there's lots of information out there, but we will be giving people a fair opportunity, obviously, to have your say as well. But the principal way want the hearings to work is for us to lead by asking our questions and to get answers.

00:05:10:03 - 00:05:41:03

Those because those are the things that we think we need at the moment in order to progress to the end of the examination and with our recommendation, our. And this hearing will help us to consider relevant legal and policy tests applicable to compulsory acquisition and temporary possession proposals have been met and note on this occasion that we aim to. Well, we want to do the relevant draft development consent order articles as part of issue specific hearing five on Thursday. And that's different to where we did it last time.

00:05:41:05 - 00:05:59:11

It probably just fits in best with the time that we that we have. Okay, Moving on to introductions, I'll now ask the applicant to please introduce, uh, the team. In doing so, please state how individual members of the team would wish to be addressed. Uh, Mr. Fox.

00:06:00:13 - 00:06:47:15

Thank you, sir. Um, Matt Fox, senior associate to that information on behalf of the applicant developers Solar Farm Limited. To my left is my colleague Gareth Phillips, partner at Mason's. Um, through the course of this hearing and others will have various members of the applicant team. But just for the purposes of just now, we have to. Mr. Phillips, left side Gillet director at Hamid, and to his left, Mr. Rob Pyle, director at Design and on teams. We have John Baker, who is from BSG and the ecologist for the project, and Peter Roberts from Food Surveyor believe that's everyone we have on the screen and Missus Sarah Price, director at Planner.

00:06:47:18 - 00:06:54:15

Okay, So we've got John Baker on our team covering ecology today this morning for. Yeah.

00:06:54:17 - 00:06:57:15

And and and when it comes out yes.

00:06:58:06 - 00:07:02:16

And just and the second person that you named virtually after Pete.

00:07:02:21 - 00:07:03:20

To Roberts.

00:07:04:00 - 00:07:04:20

It's a Roberts yeah.

00:07:07:01 - 00:07:10:22

And Sarah Price planner from.

00:07:15:08 - 00:07:16:01

Okay.

00:07:23:16 - 00:07:54:00

Okay. Thank you. And move to those affected persons who have given notice of their intention to speak today, to introduce them selves. And obviously come on to Mrs. Holloway as well for my action group, because whilst you're not an effective person yourself, think as last time. Is it fair to say that you're here to. Not so much to represent parties affected, but to make comments on the relevant parts of the agenda, even though you're not an effective person.

00:07:56:13 - 00:07:58:12

Okay. Okay.

00:08:01:19 - 00:08:12:06

Okay for those affected to the list I've got of the effective persons who wish to speak today. I've got. Mr. Williams.

00:08:15:08 - 00:08:25:13

Good morning, Mr. Williams. And. Understand that you've got Mr. Gupta. Who's on the screen. Okay. Would you like to introduce yourself, Mr. Gupta?

00:08:26:24 - 00:08:32:12

Uh, good morning. Raj Kapoor of Town Legal, representing Mr. Williams.

00:08:39:01 - 00:08:40:09

Okay. Thank you.

00:08:45:09 - 00:08:54:02

And have we, Mr. and Mrs. Beamish, are we Just have. That's okay. You've come in at exactly the right time because I'm just going through. Affected persons who wish to speak.

00:08:56:21 - 00:09:00:08

While you sit down. I'll. I'll move on to Mrs. Woolley.

00:09:14:13 - 00:09:17:06

And Mister. Mister. Mister. You both wish to speak today or.

00:09:19:01 - 00:09:21:01

Okay. Okay.

00:09:25:18 - 00:09:39:23

Or you have missed the usual introductions which you think you've heard before. So don't need to reiterate any of any of those. Thank you for joining us. Any further affected persons who wish to speak today?

00:09:46:23 - 00:09:52:06

Good morning. Can you just introduce yourself for the recording, please? Trevor.

00:09:52:17 - 00:09:53:10

My name's.

00:09:53:22 - 00:09:54:12

Oh.

00:09:55:22 - 00:10:01:01

If you can just wait for Mr. Burchfield just to introduce himself. And Will, I will come on to you. Thank you.

00:10:01:03 - 00:10:03:00

Trevor Birchfield and Dawn Parish Council.

00:10:10:07 - 00:10:15:15

Okay. Thank you. And, uh, Mr. Dansby. I understand.

00:10:16:20 - 00:10:21:12

Yeah. Adele Staines be representing Indian Village Hall. Right.

00:10:37:03 - 00:10:41:00

Okay. Thank you. It's going back to my list.

00:10:43:18 - 00:10:46:20

I think those are all.

00:10:49:01 - 00:10:50:19

The affected persons.

00:10:53:12 - 00:10:59:09

Or people, if you like, are related to affected persons because Mrs. Stansbury was actually an infected person, Are you as the village hall?

00:11:01:13 - 00:11:05:15

But just to clarify what you wish to speak on so everyone's aware of that.

00:11:06:15 - 00:11:15:21

I'm not as a resident, but I am as the chairman of Essendon Village Hall, which has a curtilage along the A6 101 which is affected.

00:11:16:08 - 00:11:19:01

Okay, thank you for clarifying that.

00:11:22:08 - 00:11:26:04

Any further affected persons in the room who would like to speak today.

00:11:28:04 - 00:11:29:22

And any more online.

00:11:32:17 - 00:11:38:14

Okay. And is there anybody else in the room who's not affected person but wishes to speak?

00:11:42:10 - 00:11:47:04

And is there anybody on teams online who's not an effective person but wishes to speak today?

00:11:51:22 - 00:11:52:12

Okay.

00:11:54:02 - 00:11:54:20

Thank you.

00:12:14:18 - 00:12:30:04

Okay. Just some further points before we move on to the substance of the agenda. Please can everybody who speaks today provide a written summary of the oral representations by deadline seven, which is.

00:12:32:13 - 00:12:34:17

10th of October. Thank you.

00:12:40:06 - 00:12:49:06

And has anybody got any questions at this point about process on how the hearing will be conducted or on the agenda?

00:12:53:22 - 00:12:54:12

Okay.

00:13:02:09 - 00:13:35:09

Okay, we shall move on to item three on the agenda, which is the applicant's case for compulsory acquisition and temporary possession. And we're covered in this in some detail at the first compulsory acquisition hearing. So as I said before, I don't wish to go over that ground because most of that is understood. But I do have some questions in relation to the applicant's response to our second written questions for zero one, which is five zero 13 of the examination library.

00:13:35:11 - 00:13:53:20

This is regarding the land required for the proposed development, quite a bit of which we have discussed previously. I appreciate. So just some specific questions. That we have in relation to that. And so in terms of the overall land requirement, I think this is being being gone through the.

00:13:56:19 - 00:14:08:23

Submissions have been made that the amount of land required for the development, not even including the skylight mitigation areas, is relatively high for other compared to other solar projects

00:14:10:12 - 00:14:42:00

and take into account that the relatively high panel power rating that is proposed to be used, which I think is a 660 watt panel has been said. And in response to our written question for zero one, there was a fairly detailed response on the use of fixed south facing or single access tracker panels, which the application has wants the flexibility to be able to use. And just got some questions on that. Firstly, if I. If I may uh.

00:14:43:23 - 00:14:46:04

Am I right in saying that? If.

00:14:47:18 - 00:14:59:05

Single axis tracker panels were to be used. They would require a greater amount of land than the fixed south facing. Panels

00:15:00:23 - 00:15:21:00

think that's what the answer sort of getting at. But it wasn't absolutely clear on reading the answer because obviously there's some variables which which I'll ask you about or you can go on to explain as well to to to was in everybody. But is that the case? Was Fox that the single axis tracker panels would have a greater land requirement then facing panels?

00:15:21:11 - 00:15:30:23

Mr. Fox can you answer that question is is yes if you're talking in pure just fixed versus just absent trackers.

00:15:32:23 - 00:15:43:09

And but the answer did go on to explain that there might be a situation where due to kind of geological investigations or archaeological investigations, that you might have a mix.

00:15:44:12 - 00:15:46:03

A mix of panel types. Yes.

00:15:53:04 - 00:16:23:13

And all things all things being equal, is there a sort of. I know there are various variables in this which you've explained before and you've touched on just there as well. But in terms of generalities, in terms of a sort of ev. You had a site that didn't have any archaeological constraints and then a rather sort of constraints and you had the same amount of of land that was potentially available in terms of the proportion of land that. Tracker panels, single tracker panels would require over and above those for fixed safe south facing panels.

00:16:23:15 - 00:16:41:01

Is there a a as just to give us an idea of the proportion, you know, the actual the further land take that would be required. Is it sort of a further 10%, 20%? And no, it's subject to all the other things in the in that are at play. But just to give an indication of that would be or likely to be.

00:16:41:03 - 00:16:43:17

I'll bring this to planning. And that.

00:16:45:12 - 00:17:23:05

Mr. Paul on behalf of the applicant. We've looked at. Think, Mr. Gillet, my colleague, can probably go into this a little bit further in terms of land take in the density of megawatt peak installed megawatt

peak per acre and actually the difference that has on the outputs of the panels in terms of some of the studies that we have shown shows that the the output on a like for like comparisons and the output is about 10% greater for single axis trackers in comparison to the south facing.

00:17:29:21 - 00:18:00:00

Okay. So that's about that can appreciate in terms of actual landscape difference. I don't think we have that answer specifically here that we'd have to take away to give you the difference. Okay. But what would come back to is to make the point that, um, depending on those constraints, I appreciate you said if you didn't have any, but that's because of those constraints is why we've sought the flexibility to allow for where that doesn't work. For whatever reason, we could put, we could put, um, fixed everything in.

00:18:00:18 - 00:18:06:12

Um, so we will look to provide an answer to that question, but think it's not necessarily a realistic scenario.

00:18:07:14 - 00:18:09:11

It's not a realistic scenario that.

00:18:09:24 - 00:18:11:20

There will be no constraints and no.

00:18:11:22 - 00:18:32:03

Absolutely no. And understand. I understand. I understand that. And is that then the reason why the. I think several other applications, current applications have that flexibility in them. Maybe previous ones haven't. But is that is that the reason why there is a flexibility sort in this regard?

00:18:33:18 - 00:18:46:17

Is it or is it more about the sort of the answer which might be given on some of the questions about sort of, you know, technology moving on, etcetera, and not being sure at this point, is it. Is it to give that flexibility about depending on constraints?

00:18:47:04 - 00:19:18:06

Mr. Foxman. It's both because the the single trackers generate, as Mr. Paul said, more energy because our preference would be to use them, but there will be constraints. So therefore. We'd have to face off facing. And also technological advancements may mean that pixel facing performance improves as compared to over time. So it's a mix of technological advancements dealing with constraints and seeking to make the best use of the land.

00:19:20:22 - 00:19:42:22

And he's one type of panel. In terms of its maintenance requirements, in terms of its life. Is there any difference between the two types of panel in terms of the, if you like, the indicative without getting on to a discussion about the maintenance definition and etcetera, etcetera, which we've done before we might touch on again, Is there any difference?

00:19:43:03 - 00:19:50:01

I'll ask Mr. Power to come in on that, although noting that we did, there was a point on this in our response to 4.01.

00:19:51:04 - 00:19:58:03

We spoke about the applicant. We're not aware of any difference between the panels on pixel facing sequences, trackers.

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To the.

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Applicant if.

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It says across the other projects that we're working on, not not just in in Lincolnshire but elsewhere in the country, it's a similar position that I've not heard of a difference in terms of life, light, length of life for the two different types, principally for all of the projects. What's driving the choice of panel is are the constraints. So typically topography or something like that. Um, so on some of the, some of the other schemes in Lincolnshire that are made up of multiple sites rather than, you know, one in just in one area, you might find that one site lends itself more towards, um, single access trackers, whereas others another site lends itself more to south facing technical technological advancement will have some influence over that.

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But I think largely speaking, the developers I'm working with will be selecting the panel choice based on the constraints affecting the particular sites. And in some cases it may vary from field to field, but in most cases where there is a cluster of sites in a particular locality, the constraints there have driven the likely choice of panel. But it's certainly not just a flexibility sort in in the case of we hope one of these might be better in the future. So for example, in offshore wind, we talk about the technology better than the technology.

00:21:28:01 - 00:21:58:09

Technology has been around forever, has been catching up. It's not just that. It's principally driven by the constraints for each each panel. Thank you. And the other schemes that think in your answer you talked about or you referred to, I think it's Cottam tool Bridge. And is it biased? Gill might have said that wrong. Don't know. Um, those ones you referred to in your answer. They also use or proposing to use have the flexibility to use single access tracker panels.

00:21:59:12 - 00:22:29:24

Is there any indication of. And again, appreciate that every site is different in terms of the overall land requirement for the areas of of panels on those schemes. Think you might have given details of Cottam actually, because I think you gave details of Cottam in your deadline for response and think it was. I've not got the figures in front of me. Think it was. It was. It did seem to be higher than the other ones, but not as high as Mallard Pass. But don't know what the figures are for buyers.

00:22:30:01 - 00:22:34:17

Gil and till Bridge. Be interesting to know that the applicant.

00:22:34:19 - 00:23:03:18

So think the table you're talking about is appended to our summary application hearing one which has long field little crow Cleve Hill, Seneca, Cottam, Eckington, fen and West Burton think the figures we've given haven't gone into the question of FSF versus SAT. So if you want to do that, we'd have to do digging and have to say I'm not necessarily sure from the work producing the table the necessary clarity on that from me, from each application.

00:23:03:20 - 00:23:29:16

It was more just to get an indication because I suppose what this overall questions about is that in terms of land use, is it is it is it required that the acquisition powers for the for the extent of the of the of the overall land that is proposed? And are there other ways of technology or alternatives which

might mean that the compulsory acquisition requirements is less. That's the obviously the overall principle for the question. But if those just be interesting to sort of know what those

00:23:31:03 - 00:24:10:17

those amount those schemes are using as a comparison to, to this scheme in the context of that table that you were talking about it at deadline for Gareth, it's the applicant. I think what it's safe to say is that each of those schemes is taking the same approach so effectively where they see the constraints as they are now dictating a particular type of panel as those panels are available. Now, that's largely how they've done the modelling. There is some expectation of where you know where the supply chain will go and technology will improve, but it's not in any of the applicant's interests to have more panels and more land than they need.

00:24:10:19 - 00:24:28:17

That simply drives up cost in terms of buying more panels and everything else that goes with it and taking more land. So there is a there is a commercial imperative to reduce both land take and amount of supply chain you need to procure for the project.

00:24:30:04 - 00:24:36:24

And just to add to that, Mr. Foxman, half the can think of something was going to come back to in your introduction. So in terms of the

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comparison of our scheme to others and think it's important that the figure in that table refers to hectares per megawatt and that that is based on kind of the physical land take for the solar PV site, bearing in mind of course some of these schemes have batteries, some don't, and that the hectares per megawatt, you know, the most you're talking about is 0.7 difference. And in most of the others actually, which is people, most of the others you're talking 0.3 0.4 hectares for megawatts.

00:25:09:17 - 00:25:19:09

So I would, I would slightly push back on this suggestion that we are hugely more than other schemes in terms of that comparison.

00:25:24:12 - 00:25:34:21

Okay. And on just you mentioned battery storage. And again, don't want to go over and ground that gone over. Before and.

00:25:36:23 - 00:26:28:04

I know that M3 think it's paragraph three 1061, which talks about flexibility in project details and in many cases not all aspects of the proposal may have been settled in precise detail at the point of applications. Such aspects may include the type, number and dimensions of the panel. So what we're what we're talking about the layout and spacing, one of the factors that gives it one of the bullet points is whether storage will be installed and then in brackets with the option to install further panels as a substitute, which links back into what some of the discussions have been before about whether or not the, if you like, the if this if this proposal is using more land than other proposals for the panels, then the point that we've talked about before about how much of that comes from the the lack of battery storage in this project and how much of that comes from site specific circumstances, archaeological mitigation areas, etcetera, etcetera, etcetera.

00:26:30:24 - 00:26:31:14

Sorry.

00:26:31:16 - 00:26:43:08

You want to comment on that. My question really is, is, is it actually, you know, how much of it is on battery storage? I know we've touched on this before, but I'm not absolutely clear on how much it's won and how much of it. It's the other half that.

00:26:43:14 - 00:27:16:04

I'll make two points for bringing this together. The first is in terms of that bullet point that recognizes the fact that on some schemes in terms of commerciality, in discussions with the grid, actually it seems to seek flexibility to say we're suggesting a storage. Actually, if that doesn't work for whatever reason, in terms of the discussions with Grid, we'd have panels instead. And the second point, which is kind of, I think the overarching to what it was about to say is that it is not a choice between over planting and storage that needs to get it.

00:27:18:06 - 00:27:50:18

Expense for the applicant. Yeah, we've touched on this point a number of times. Um, firstly wanted to point back to the statement of need. Um, Section 7.7, which describes the planting and the, and the, the, the effect of the planting, which is essentially an over planted scheme, allows for more generation without significant curtailment or clipping, as it's sometimes called, through a, a limited and fixed grid connection points.

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And that's because the number of hours during a year during which the installed solar panels are generating absolutely at their maximum output is actually relatively small compared to the number of hours in the year. So you're losing a very, very small bit of clip's volume, but you're gaining a lot more volume earlier in the morning, later in the evening. On duller days, still getting more generation than a non over planted seems oxymoron a non over planted scheme and that is the purpose for over planting.

00:28:30:12 - 00:29:09:16

It allows for more generation from then obviously you need the land available and accessible to do that and that won't be the case for all schemes that there is. There is land available to plant. Just want to talk about the the interaction therefore with storage. Storage does not generate storage, takes generation and gives back most of that generation. So it shifts generation. So it's not the case that a site with storage will generate more than a site without storage.

00:29:10:00 - 00:29:36:10

That just doesn't that doesn't work. Um. It's not the case either that a site with storage does not need to over plant. That also doesn't work because as I've said, the storage doesn't increase the generation. It just moves generation from one period of time to another. And in fact.

00:29:37:24 - 00:30:10:00

If what we're trying to do is generate as many megawatt hours of low carbon electricity over the life of the project. Then in fact, the site with storage could afford a greater level of over planting than a site without storage because all that clipped volume could be stored and kept. And exported at a later time. So you could argue that, in fact.

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I'm. The fact that we have storage means that we're.

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This doesn't quite sound right. The fact that we do not have storage means that we're not able to plant more. There are lots of other factors into that. But if you sort of take a, you know, a totally uncontrolled, unconstrained site with the exception of a grid connection capacity, then moreover,

planting would be sensible on a site with storage because that clipped volume could be kind of kept and stored for later.

00:30:44:06 - 00:31:06:21

Just on that point, why is it the paragraph that I quoted before does say whether storage will be installed and then in brackets with the option to install further panels as a substitute? It almost sounds as though, well, you've got storage. If you've got storage, that's one thing. If you've got no storage, then there's an expectation for the panels to be planted, which is slightly different to sort of think slightly different to the point you're making. Yeah.

00:31:07:02 - 00:31:42:02

So again, for the applicant, I didn't write that, so I'm only contacting about what it means. But my reading of that is that if a site comes forward, a proposal comes forward with land allocated for panels and land allocated for storage, then that land allocated for storage, if the storage was not to be built out, may have panels on it. And it's that element of substitutes. But I mean, you know, that's just my interpretation of what those words mean rather than insight into the mind of the author.

00:31:42:15 - 00:32:03:14

And just add to that the applicant think it's the point came back to in terms of the commercial choice an applicant may make and bring it forward a project at the time of application they'll probably seek like ability for for either but at scale or scale, or they might want the flexibility to choose. Depending on what works commercially for them.

00:32:05:03 - 00:32:37:07

And just just to kind of semi conclude on this. Think coming back to your point a few minutes ago, in terms of where all these questions are coming from. Think think our position is that what we put forward is a scheme that allows for the best optimization of our connection and most efficient way of producing low carbon renewable electricity. And so that is essentially the case. That flexibility comes from seeking to achieve that, and I'm required to do so.

00:32:40:01 - 00:33:03:08

And probably come on in the hearing this afternoon and tomorrow on specific implications for water and drainage, for example, or even landscape, perhaps, because I think those were referenced in your in your previous answer as well. So don't want to get on to that. But in terms of how this would work that when. The applicant proposes the particular panel types under requirement, but is it requirement six detail design? I think it is.

00:33:04:23 - 00:33:20:24

That is at that time that that would be a proposed on the panel type. Presumably that needs to be sort of justification for the particularly if there is a mixture of panel types, there need to be justification for that. And then the local authorities would be in a position to approve or refuse that.

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Um, so it's not that I wouldn't I'm not sure it goes too far to say the RPAs would then be deciding if our justification for choice has been made because the requirement is essentially based on the layout and layout flows from the choice that's made, and then they're not approving the choice that has been made, what the requirements six and seven in relation to the kind of mitigation proposals will do will set um, what we need for the scheme that's ought to be approved.

00:33:51:17 - 00:34:22:16

Okay. We'll come back to that in the hearings this week because it is interesting to sort of see how a particular panel type might have a particular advantage on on drainage, for example, or on landscape, but maybe we'll just reserve that for the specific discussions on that later this week. Okay. Before we

move on to. Uh, the next item, which is about the Skylark mitigation areas. Uh. I've noticed your your hand is up. Just as anybody else who would like to say anything at this point.

00:34:22:18 - 00:34:24:24

So, yeah. Again, introduce yourself.

00:34:25:04 - 00:34:26:14

Thank you, Tony. Over the.

00:34:26:17 - 00:34:27:12

Past Action.

00:34:27:14 - 00:34:28:04

Group.

00:34:29:01 - 00:35:04:09

Without getting into the subject of battery energy storage too much because assume that might come up later. But in relation to the conversation we've just had on over planting. Perhaps I can read that in the in the applicant statement of need paragraph 11 five one writes In the absence of electricity storage facility, the proposed development over planting strategy seeks to maximise the use of the grid connection capacity through its operational life.

00:35:10:02 - 00:35:12:20

Okay. Thank you. Do you want to come back to that.

00:35:13:08 - 00:35:14:20

Point, please, and let me get it back?

00:35:15:00 - 00:35:19:16

It's like for the applicant can talk to that because I wrote that. Um.

00:35:22:05 - 00:35:51:22

What that paragraph is trying to do. It's just trying to sign that there is no storage capability at pass and there is over planting. It's nothing more than that. The substitution of one to the other is potentially a poor choice of words on my behalf. And if I've missed that, anybody and that's unfortunate and I apologize. But what I said earlier around the kind of commercial interaction of the two is, is the case and proven by numbers and analysis.

00:35:54:00 - 00:36:25:14

Okay. Thank you. And thanks for the point. Mr.. Obviously, it does get at the sort of limits related to my question about there was a little bit of sort of in some of the wording that's been used. So lack of clarity as to what the reasons. But think we got to the point now, think where we have the information before us that we can go on to the next item. And obviously it's an item we're going to have to consider and ponder as we've only thing when we when we make our recommendation, obviously we'll do so as well. So I'm I'm happy to move on to just to say.

00:36:25:16 - 00:36:35:09

On that so think think sorry, think we will in the summary of case, seek to put our definitive statement on that point just so that everyone is clear what position is.

00:36:37:05 - 00:37:11:09

Yes. It could be quite useful. It's a general point. I was going to raise this later on at one of the hearings, but given the ground that we have, we've taken on this examination, when we get towards

the end of examination, it might well be a useful opportunity to have summaries of case provided and. And. When we get to the hearing. Just wanted to discuss on Thursday some slight clarifications and potential slight changes to the examination timetable.

00:37:11:11 - 00:37:41:21

Don't think that that's significant, but I'll just foreshadow that now. But one of them was going to suggest is that at some point we actually allow for a summary of the case to be provided by those parties who wish to do so. But that can't include new evidence. It is purely a summary of case might be quite helpful in this case. One of the things we'll have to think about, though, is I think it's fair that the applicant has the final sort of say on things, and so the time will have to be considered, but that's something to consider later in the week. But we'll put that thought thought out there.

00:37:42:04 - 00:37:45:02

We was going to do the same. Okay, good.

00:37:45:06 - 00:38:16:17

And Mrs. Holloway, don't know if that's something which might interest the actual group as well in terms of don't need a definitive answer now, but just want to sort of put that thought out there for later on because it can be quite helpful for for us at the very least. Okay. On to the next item, which is. The Skylark mitigation areas. Again, we've covered quite a bit of ground on this and we asked the question for zero two at the last set of written questions and about this is about whether or not.

00:38:17:12 - 00:38:28:15

Full compulsory acquisition powers are reasoned proportionate for the entirety of the fields in which they are proposed for the Skylark mitigation areas and.

00:38:31:19 - 00:38:47:06

Think I understand the applicant's answer in this regard. In the particular skylight mitigation areas proposed are small four meters by five meters. Whereas they say that the entirety of the fields are proposed for full

00:38:48:23 - 00:39:14:05

powers and that the question, the written question was really getting at, well, why do you need powers for the whole of the field when it's only a small area of land that's needed for the Skylark mitigation? One of the responses, I think, included the fact that. Separate, it would create separate gaps. Between the scheme and receptors think including houses etcetera and other receptors to and.

00:39:17:15 - 00:39:50:17

It does not be maintained without. Why do you need to see powers for those to be? Maintain or return, because presumably, as I understand it, the mitigation areas will be constructed, if that's the right word, assembled, whatever the right the terminology is, and they're quite limited works with them. Think that think understand that that point. Um, and that the rest of the rest of the field would be used think still performing on the whole might be some areas which were actually from the station.

00:39:50:19 - 00:40:25:08

I'm sure you can clarify on that and understand that. But why they say power needed for the whole of those areas when the farmer could just get on with farming the remains of the land and presumably there wouldn't be any because the answer gave the impression that actually those those retained areas might be sort of lost if they weren't controlled by the applicant. I don't quite understand why that's the case, given that their farmland, they'd be subject to the farmer wanted to put on, don't know, development, whatever it might it might be ten houses for example.

00:40:25:09 - 00:40:38:10

Like how physical example know that that will be controlled anyway by needing planning permission. So why is it that actually the same powers are needed when actually there's probably little likelihood of those areas being changed anyway?

00:40:39:02 - 00:41:14:04

So the applicant. So I think the starting point is that um, in terms of the section one, two, two tests, it's required because our lamp, which is secure through the required to deliver both our ecological mitigation and the landscape mitigation, and that's set out in the lamp, which includes for these fields being set off. So it is required to meet that test. I appreciate the question that you're asking here is really in relation to alternatives to and think the point I would make is that because we are required to achieve it, we need to ensure that that is achieved.

00:41:14:20 - 00:41:16:05

And if we.

00:41:18:09 - 00:41:58:23

Essentially what we're doing is affecting the the landowners current, the current landowners and enjoyment of their land. If they are stopped from being able to change that use, then, you know, that is a fundamental effect on the enjoyment of their land. So, yes, you know, you're going to use the language that's often used as a draconian measure because it's telling you you can only use this land to do what you're doing. You can't ever change what you want to do, despite the fact it's your land. Um, and take the point that you're making in terms of have to go get planning permission, but that doesn't change the property position in that we're, we're restricting their ability to, to use their land as such.

00:41:59:11 - 00:42:18:20

Um, and so in that context, um, is required. The other point I'd make is on the skylarks that, um, we don't know precisely where in each field those areas are going to be. So we need flexibility to ensure we know where they're going to go. So it's a combination of factors for the fields.

00:42:25:07 - 00:42:59:23

Guaranteed it's the applicant. We can also add on the on the planning front that that first of all, there's quite a broad range of permitted development rights for farming, which don't require additional consents. And also what we're talking about is actually the operational use of the land. So the planning regime wouldn't wouldn't necessarily stop someone from farming land that's supposed to be designated for for the for the areas in question, which would then essentially take them out of the purpose that they're required for under the order and the balance of planning that we're looking at.

00:43:00:00 - 00:43:30:04

So the land controls that are there to to control them. Sorry, let me put that the other way. The the restrictions that we would put on through landlord essentially control the use beyond the restrictions through the planning regime. So the planning regime couldn't take away permitted development rights in the circumstances of the farming. But putting a restriction or controlling the use of the land through property arrangements does achieve that end goal.

00:43:33:00 - 00:44:08:02

Dr. John Baker on behalf of the applicant. Um. Yeah, the colleagues were just setting out the case. Essentially, the scallop plots are under billed and farmed bare ground for the duration of that nesting season. So. And they have to be away from things like tramlines. So even just the farmer going north south one year instead of east south, one year east west, one year would mean the Skylark plots might be in the cut entirely the wrong place, and two per hectare means we'd have to find some way of demarcating these Skylark plots on a semi-permanent basis.

00:44:08:04 - 00:44:31:04

And fences don't work because even that put the skylarks off the act as crow perches and this, that and the other. And again, these kind of plots only work in arable cereals. So we've got to ensure essentially that not only the plot is working, but the plot works as part of a mosaic of habitats. So it has to stay as arable farmland and cereals.

00:44:34:23 - 00:44:39:04

Thank you, Mr.. Mr. Baker. Mr. Baker.

00:44:39:06 - 00:44:40:03

Sorry, Baker.

00:44:40:12 - 00:45:02:23

Mr. Baker. Yeah. Thank you for that clarification. And probably a question that you might be able to answer as well. That's okay, Mr. Fox. Ask Mr. Baker's straight this question in terms of you said that the been mentioned that the actual location of those plots hasn't been fixed yet. Uh, just the broad locations obviously within the fields. What are the factors that actually dictate the actual precise location?

00:45:04:11 - 00:45:35:24

Oh, sorry, Mr. Baker. So, Mr. Baker, on behalf of the applicant. So it's set out in our ecology chapter the general principle of this. Um, it's section 7.5. 55. They have to be a certain distance from hedgerows and they have to be a certain distance from the tram lines, which, as you know, it's basically the marks tractor leave while seeding and to returning to spray off spray crops with pesticides, herbicides, etcetera, or fertilizer.

00:45:36:18 - 00:46:08:14

So they have to be away from these. That's the only control thing. And power lines overhead power lines. So again, it's difficult to market. If it had been an enhancement measure within a permanent grassland, for instance, we can we could put that on a map with great detail. In this instance, we can't simply because, you know, depending the tractor, the farmer changes the size of their tractor, their tramlines change and and and so all of these would be just, you know, they would have to be determined almost basically on a yearly basis.

00:46:09:14 - 00:46:18:05

Um, so it will show in the stubble. So if the next year the farmer farms in the same way they can see where it was last year and just put it in the same place again.

00:46:20:04 - 00:46:35:03

Okay. See? Thank you. That's helpful clarification. Thank you. And one further question which might be for Mr.. Fox rather than yourself, Mr. Baker. In terms of so the land would be acquired by the applicant.

00:46:36:02 - 00:46:37:05

How would it then.

00:46:37:07 - 00:46:48:16

Be ensured that how it work in terms of the farming continuing on that land, would that be with the land? I don't know. Leased back out to a farmer? How would that actually. How would that actually work in practice?

00:46:50:04 - 00:47:21:01

This tells me that the starting point is that the these are all land we're talking about that's currently under option or shortly proposed so that ultimately there shouldn't be an issue. But yes, if if we did

end up having to use the powers, um, which would have happened in the context of for some reason the options haven't been able to exercised and those discussions would continue with the, the, the farmers in terms of ensuring that the agricultural use continues.

00:47:25:03 - 00:47:27:13

So would that be at least back at least back to the farmer.

00:47:27:15 - 00:47:29:07

Would be something something along those lines? Yes.

00:47:32:16 - 00:47:38:04

You can't because you can't compulsory acquire release and you can't compulsory acquire a positive covenant either.

00:47:40:19 - 00:47:46:10

And presumably it is essential that farming, arable farming continues to take place for those Skylark plots to work.

00:47:49:09 - 00:47:50:09

All right. Mr. Baker is nodding.

00:47:51:12 - 00:48:18:14

Mr. Baker, on behalf of the applicant. Yes, it is. And which goes back to your point is about housing. If we were to say this is the plot and you're an example, they want to put 20, 30 houses around it, those would cease to work at scale up. It would have a red line outside there, maybe apply for housing around this skylight plot. And if they did, then that plot would cease to work. So this is where, again, it needs to be ensured that it is considered continued in such a way.

00:48:20:21 - 00:48:31:05

And is there anything needed or is there anything to actually make sure that is actually secured, that that land is actually farmed? Is that something that's it might be somewhere in one of the management plans, really? I don't know. But it's good.

00:48:32:06 - 00:48:33:14

That has continued agricultural.

00:48:33:16 - 00:48:37:04

There is a have you got the actual just for the reference, is there a.

00:48:49:18 - 00:48:54:04

You get back to that point? I'm sure. Pretty sure it's on The lamp is on the lamp, at least.

00:48:55:19 - 00:48:59:21

It's in our chapter. Like I said, section 7.5. 55.

00:49:02:08 - 00:49:03:18

And if.

00:49:04:06 - 00:49:06:12

Sorry. Paragraph 4.20.3. Four.

00:49:06:19 - 00:49:14:05

4.2.. 3.4 of the. Yeah. And if.

00:49:17:23 - 00:49:39:20

If a farmer couldn't be found to. Wasn't willing to do that for whatever reason. Not this is realistic or not. You'll tell me, but. That would then require the applicant. Through whatever way. Necessary to farm that land anyway. Find a farm or do whatever, you know. Have to be something to actually sort of stick to make that happen.

00:49:40:04 - 00:49:40:23

Yes, absolutely.

00:49:41:05 - 00:49:57:01

Given the situation where the farm, whatever might happen further down the road, don't want to use that land anymore. That could easily one of the existing farmers. It might not do it just in terms of ensuring that that will actually is something that is enforced in the future to make sure that land is farmed in order that the skylight mitigation works.

00:49:58:15 - 00:50:04:18

Yes. And landscape set off as well. So, yes, it's it's good with limits. Yes.

00:50:09:16 - 00:50:13:19

Okay, we can come back to that in the later hearings if needed. Mrs. Holloway.

00:50:25:03 - 00:50:26:13

It's not really secured through the.

00:50:27:06 - 00:50:51:03

Day as opposed to just the outline plan, which could be changed post consent. That's that's the risk, because obviously the key is for this 239 hectares to be guaranteed to be maintained in as arable farmland, not necessarily just agricultural use, because that doesn't necessarily maintain food production.

00:50:54:18 - 00:50:55:08

Okay.

00:50:55:10 - 00:51:04:06

Mr. Fox said that you couldn't say. Um. Well, the first thing obviously in compliance with the is secured through the DCA on the point about

00:51:06:01 - 00:51:25:05

possibly changing a release pursuant to requirement five. Think that has always is always subject to it not changing the conclusions of the US and given the conclusions of the talk about what happens to Skylarks. I think it would be very difficult for that provision to change because then we'd be changing the conclusions of the.

00:51:35:00 - 00:51:35:15

Okay.

00:51:38:21 - 00:51:41:21

Okay. Thank you. Anything further, Mr. Solloway?

00:51:44:23 - 00:51:45:13

Okay.

00:51:47:07 - 00:51:49:24

Thank you. That's the Skylark plot.

00:51:52:04 - 00:51:55:18

That was as far as I think it needs to be today. Uh.

00:52:00:11 - 00:52:24:09

Onto item C, which is any other matters regarding the applicant's case for compulsory acquisition and temporary possession. Again, not wanted to go over old ground here, but was going to ask because there's been it was briefly discussed at the hearing. One, this is the crucial down rules and when not they apply and think there's been a response on behalf of Mr. Williams on this as well in recent.

00:52:26:07 - 00:52:58:21

Representations. There is still a question mark because I think the original question came from me asking the question at the first hearing on what happens when the compulsory the land is no longer required. And we then went down the route of the crucial down rules. And then there was a clarification on that. But what is the just to get like a sort of final answer on this, What does happen if, uh, let's say let's talk about the time limit later on today, but after 60 years and. The lands no longer required.

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What what does actually happen in terms of. The mechanisms for what happens to the land and does it go back to farming, etcetera, and how would it go back to farming and who who would do that farming?

00:53:11:03 - 00:53:37:22

Mr. Fox And the applicant. So I mean, in simple terms, the once we if the applicant was granted the application powers and utilize them. They would be the owner of the land. The dam rules apply to public sector bodies. And note that Mr. Williams said that there's no requirement for them to apply to private sector bodies. Which which is the case Think.

00:53:41:05 - 00:53:54:00

The answer to that question is it would depend on the circumstances at the time and what the situation is with the market and the land at the time. There's no compulsion on a promoter to sell land back.

00:53:54:16 - 00:54:05:22

And as I understand it, the land will be owned by the applicant because there's no restriction on those powers. So it would a case of it would have to be leased or sold back to her.

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It would operate as if essentially the data is slightly relevant in that situation. It is the applicant owns the land.

00:54:13:14 - 00:54:14:04

And

00:54:15:12 - 00:54:30:18

so so the land wouldn't automatically just go back to the person who owned it before it would be retained still by the applicant and then go back to farming, have to be sold or leased or whatever arrangement it might be. It might be, yes.

00:54:31:05 - 00:54:36:18

But I mean, I'm sure you appreciate, sir, that that is the consequences of in general terms.

00:54:38:15 - 00:54:43:04

Yeah, I understand that. I suppose it's just so. It's different to a don't know, a.

00:54:45:01 - 00:55:06:10

Housing development. When it's built, it's built. It's going to be there for sort of whatever, 150 years or whatever it might be. Obviously with solar, there is and as is the case now, there is a fixed period whereby it will will go back. So there's questions more slightly more relevant now to another scheme where it doesn't really go up in terms of, well, even if it was a sort of larger power power station, it might be some time.

00:55:10:22 - 00:55:20:04

The other point I was going to make is that Longfield imposed a time limit and didn't impose any other measures in this in the sense.

00:55:22:13 - 00:55:47:09

The question was asked, I don't know. But it's it's it's all grappling with these, these, these these facets and things which are perhaps quite sort of new in terms of don't know if there's another area of planning where it's clear where something actually is no longer required after 60 years and has to go back to to farming. And also the discussions have had about it, you know, it's going back to farming. It's one of the things that is almost part of the applicant's argument in this.

00:55:47:11 - 00:56:32:14

Respect to two points in that firstly, another example of a time limit was Abergavenny Power Station, which was sometime ago now likely ten years ago perhaps, um, which has a time limit on it. Think it's 25 years and don't believe it has any kind of provision about property allowed to be returned. Although check that. Um, and the second point I would make is that, um, if you have taken someone's land for 60 years, that is, you know, a good portion of someone's someone's life that, yes, there was a time limit, but it is also 60 years the value of the land and its use to that person now compared to 60 years time, to put it bluntly, they may not even be alive.

00:56:33:01 - 00:56:42:14

Um, so think think that whilst I appreciate the point, think that the case is what it is irrelevant at the 60 years in the movie.

00:56:43:12 - 00:56:56:21

But in fact it's a bit just goes back onto the market in terms of what the market is at that time. What Mr. Gupta is your hand up because think you might have raised this point on behalf of Mr. Williams in writing. Is there anything you'd like to

00:56:58:13 - 00:56:59:11

say at this point?

00:57:00:11 - 00:57:32:18

Thank you, sir. Yes, sir. It's good to form, Mr. Williams. Um, it's Mr. Fox. That's entirely right. The cut down rules are entirely irrelevant in that they do not apply to, uh, to the private sector, only to the public sector and not even to all of those. Um, though I would point out it was the applicant raised it as a constraint originally on the, on the applicant that they would be required to offer back the land.

00:57:32:20 - 00:58:03:12

And it's good to see that they they've conceded that's not actually the case. Um, just in relation to Mr. Fox's last point, it may not be that the applicant that the original landowner is still alive or might still

want to use the land, but for many forms, including my client, um, it's a generational land ownership is generally it's passed through many generations and I would certainly like to see the applicant commit to, to cut down rules and that is within their gift.

00:58:03:14 - 00:58:12:06

They could, if they chose to say that they would abide by the rules. At present, they're choosing not to. Okay.

00:58:14:02 - 00:58:21:12

Thank you. And how would that be done? How would that commitment. How should that commitment be made if it were to be made? Is that something through the or.

00:58:22:09 - 00:58:40:03

They could give an undertaking to individual landowners or they could amend the DCO to to provide crucial down rules in whatever form they're in at the time of decommissioning? Um, we'll, we'll be applicable to the applicant.

00:58:42:10 - 00:58:43:21

Okay. Thank you, Mr. Fox.

00:58:44:06 - 00:59:16:11

What's that mean? On Mr. Gupta's first point? I mean, he'll appreciate that we are in intensive discussions with his clients about that, to be paying back on many of his concerns last Friday. And, um, I think that, um, we will we will take it away. Um, I would just again, in the context of that not having been imposed on long field and other time limits. I'm conscious that if we do this. We are potentially setting a precedent for schemes across the country.

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So we will take it away. But would just set down you want to do it in terms of

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it because something would be asked and think if it was going to be something that was required that could have been put into the draft, for example.

00:59:32:08 - 00:59:54:20

And it at this point does probably relate. It does relate to to the actual sort of are there actually planning reasons for that in terms of the arguments being made about farming? I don't know. I think that could be something helpful for you to think through in the in the answer at deadline seven in terms of what actually what, if any, planning reason would there be for that?

00:59:56:01 - 01:00:08:17

Just briefly, Mr. Applicant think we have committed in our in our demo to the outline, sorry for the land in which the solar PV areas are located to be

01:00:10:05 - 01:00:21:15

returned to. Essentially the panels are removed and left to the be able to be used as maybe wanted in the future.

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

What was that last bit again? Sorry.

01:00:24:08 - 01:00:48:22

So the outline says that we will remove the solar PV sites and not impose any restrictions on what happens next to that land. But the landscape and diversity areas are retained. I think this all comes in the context that that the applicant is not seeking to use the powers to do actions. And it has done that for most of the landowners now.

01:00:50:15 - 01:01:25:20

Yeah. So just a couple of points. Is the applicant just from a planning perspective, it's worth recognizing. And this is set out previously that once the DCO has expired, essentially it's come the projects come to the end of its use as authorized by the DCO. The land in question goes back to its original use. That's something we've been clear on. Once the planning permission is gone, then essentially it goes back to the it reverts to its original use from a planning perspective. And if someone wanted to put it to a different use, then they would need to apply for planning permission in respect to that.

01:01:25:22 - 01:01:58:06

And we're into a whole new planning chapter of the site. So it reverts. We have a temporary consent, it reverts to its original use. So in terms of the value of the land, at that point, it would be on the basis of that reversion re-use, which is agricultural. So in terms of who might bid for that project, it's of no, it's not of what I'm trying to get to is it's of no commercial value to the applicant at that point because it's valued on, on the agricultural use, whatever the open market value is at that time.

01:01:58:14 - 01:02:27:00

And therefore those who would be invited to bid on the land because as a solar developer it's not worth hanging on to agricultural land. That's not their business. So it would be open to those farmers essentially, or those wishing to take advantage of agricultural land to put in a bid for the use of it. So, so it's on that basis that the site would be marketed In terms of putting it into the DCO,

01:02:28:16 - 01:03:00:14

it would be very helpful, I think, if if Mr. Gupta, acting on on behalf of the landowner, would like to direct us to other DCS or compulsory purchase orders where the developer has been required by those orders. To essentially adopt the critical down rules and what the specific justification is for it in this sense. So this this is not a control that the applicant is asking for. This is a control that an interested party is.

01:03:00:16 - 01:03:14:23

So in the same way as we need to justify everything we ask for in the DCO, so must all interested parties. So it would be helpful to see some precedents and it would be helpful to see the specific justification for it relating to this matter. Please.

01:03:18:07 - 01:03:25:17

Mr. Gupta, is that something that you could help with? And it might be something you want to come back with for the next deadline, The Post hearing submissions. But would you like to.

01:03:26:12 - 01:03:59:23

Possibly mean the response in relation to ground rules? Uh, so script for the for Mr. Williams, the response was, was simply because the applicant raised it as as a control on their, on their future use of land and they've conceded that's not applicable anymore. Um kushal down is usually applicable for most CEOs because most CEOs are promoted by public bodies rather than private bodies. And almost all in fact all cpos are promoted by public bodies at present.

01:04:00:11 - 01:04:06:18

Um, so of course your own rules automatically apply to those. Um, I don't think it's within

01:04:09:21 - 01:04:25:16

our gift to start drafting passages, but the simple fact is that an undertaking could be given to my client or to other parties by the applicant that they would apply because it's not particularly complicated. It could simply be a letter.

01:04:28:07 - 01:05:01:23

Gareth Evans, the applicant. That's sounding very much like to me that there isn't a justification and there isn't a precedent. But like I think if the examiner examining authority and the parties in this hearing are being put to answering questions raised by interested parties and they wish to see changes in the DCO, then it's an evidence led system. Let's see the justification, let's see the precedent for it, and then we can take it away and hopefully find some resolution. Well, that's always the case. So if anybody wants to, you want to provide some representation on that at the next deadline, then then please do that.

01:05:02:00 - 01:05:29:09

So that can be taken into account. And obviously, the applicant's response at deadline 72. In terms of post hearing submissions, I think it's all be useful to get. As discussed before review. Mr. Fox intends a clarification on this issue about. What happens when it goes back, and I'm sure that will be dealt with it the next deadline. Okay. Mr. Birchfield, did you have your hand up?

01:05:30:15 - 01:05:42:03

Did Sir Trevor Birchfield for us in our parish council, Mr. Fox said at the end of 60 years. It would be removal of the panels. Is that exclusive to the panels or is that all of the infrastructure, etcetera, etcetera?

01:05:42:19 - 01:06:08:14

So it's what happened was speaking shorthand, sorry. So the belt work number one, which is the solar PV, that's panels, the inverters, all the built infrastructure. Okay. But just as I said, the the landscaping and ecology will be left in situ when it's returned to landowners for the landowners to then determine what they want to do with it within the context of the planning controls that exist at that time.

01:06:09:03 - 01:06:29:00

And for clarification, it includes the substation two, doesn't it? Somebody raised that point at the last deadline. I can't remember who it was, but yes, for clarification on that. Okay. Okay. Thank you. Well, that's think as the information that I think I wanted on that agenda item. Uh.

01:06:33:19 - 01:06:41:01

And presuming there are no further matters regarding the applicant's case, for this is the general case which anybody wants to raise at this time.

01:06:42:21 - 01:06:59:07

You can go on to agenda item four, please, which is a review of the applicant schedule, negotiations and powers sought and related matters. Mr. Fox, just briefly, just wanted to give you the opportunity to explain any recent updates to the book of reference, of which I think there are.

01:06:59:12 - 01:07:35:06

Yes, sir. Mr. Fox, the applicant say in response to I think it was a hearing one, the book reference was updated to account for changes to account for more of the Williams family to be added to various plots. The Environment Agency have been added to plots that contain the West Glen River following confirmation of their interest and following the submission of Mrs. Woolley. B1176 plots were changed to recommends Lancashire County Council rather than Rutland County Council.

01:07:39:14 - 01:07:41:03

Okay. And.

01:07:42:20 - 01:07:47:08

Can you confirm that the relevant parties are aware of those changes

01:07:49:11 - 01:07:51:02

from requests that have been made by those parties?

01:07:51:09 - 01:08:02:11

Williams and the Environment Agency have been mean. The councils are dint of we essentially just got identified the wrong highway authority and know that they look after that road.

01:08:04:24 - 01:08:07:10

Okay. Okay. Thank you.

01:08:08:10 - 01:08:25:16

Sorry. So just finishing that appreciate really has made a couple of submissions on this which we've sought to respond to and explain why we haven't changed the book of reference in place. But think if there are any further consents then obviously you can contact if need be.

01:08:25:18 - 01:08:39:15

Yeah, this is well, if you wanted to do anything you wanted to say on that at the next meeting on the agenda, which is about all item six, which is site specific requirements, representations, just so it can be bundled together in one. But we'll make sure you have your chance to have a set that point.

01:08:41:11 - 01:08:57:17

Okay. Thank you. So item B is just for the applicant, Mr. Fox and briefly summarize any updates on outstanding objections and progress with negotiations. This is just a general overview rather than getting into the into the detail of any site specific representations which we'll do as part of item six.

01:08:58:06 - 01:09:34:11

Mr. Fox And yeah, so as I said, the as this one, we have all of the main landowners stand up two options apart from Mr. Williams and the Bradley family, the Bradley two haven't submitted an objection and they are agreed and we understand the heads of terms are agreed, which is due to various complicated structures in the family and how things are set up. It's just taken a bit of time to get to signing on the dotted line, but we don't understand that there's anything at all under dispute and they haven't something.

01:09:34:13 - 01:10:08:10

Objection. Um. Mr. Williams, as I said, commercial agreements still not agreed. Um, but we sent back our latest position on Friday, sorry, Friday, um, which responded to some of Mr. Williams requests in positive manner. Um, the, in terms of statutory undertakers, um, all but network rail withdrawn their objections, including any related objections. Um, we're going to come back to that in the next item, so dwell on that.

01:10:08:20 - 01:10:32:22

Um, and the Environment Agency similarly, um, we, they've had a site visit, um, we exchanged copies of the common ground and basically everybody's happy. We just need to get the final wording of the piece. Still agreed and no said that last time. Um, but it's because there has been a site visit and um, it wasn't quite as easy to deal with as we thought it would be. But no one is has agreed in terms of what we need to do. So the site.

01:10:32:24 - 01:10:37:06

Visits taking place. Yes. In your continuing discussions. Yes. Okay.

01:10:37:10 - 01:10:51:13

I'm appreciate did say this last time, but there has been emails this morning and yesterday. That we should have a great protective provisions. Okay. Can't see any reason given those two weeks where I can't see any reason why that wouldn't be the case.

01:10:52:00 - 01:11:07:23

Okay. So it might be expected, based on what you've said that the Environment Agency will respond to at deadline seven. Yes. And. But they're not here today, so we can't ask them. But okay. And similarly, Network Rail.

01:11:08:19 - 01:11:41:04

So the too much Internet agenda item. So the the the framework agreement, also known as the basic asset protection agreement is agreed and just about to be signed. And the protective form of the protective provisions are also agreed. And I think they were already on the order. Um, the network rail have indicated that once the framework agreement is signed, they will right to withdraw their objection. That's the point of view. Um, I'll stop there and we'll come back to the other elements of the discussions with them.

01:11:42:00 - 01:11:42:16

Okay.

01:11:43:06 - 01:11:44:10

Thank you. Um.

01:11:45:24 - 01:12:06:14

And. It's much as much the question for the question, but I'll just raise it now while it's in my head, it's this. Halloway, you raised a point, I think it was a point about a. Utility provider. Was it a cable network? I was trying to find it last night and couldn't find the actual reference to it, but just watch that point to be followed up. Yeah, it was clear.

01:12:07:05 - 01:12:20:09

I raised it with Mr. Fox, applicant at the compulsory acquisition meeting held in Essendon last week on Wednesday, and think it might be under a generic provision for.

01:12:22:04 - 01:12:22:19

Yes.

01:12:23:07 - 01:12:40:21

Thank you. Mr.. Yes. So we did contact them to ask if they wanted specific protective provisions in the DTA and they didn't suggest that they did. So the part one of the provisions which applies to electronic communications providers would apply to them.

01:12:41:02 - 01:12:43:14

Yeah. Okay. I understand. Okay.

01:12:52:00 - 01:13:07:06

Okay. And I'll leave it for Mr. Williams or Mr. Gupta to comment on site specific stuff if they wish, at item six. But thank you for that overview. So that brings us on to item. Five.

01:13:09:03 - 01:13:39:20

Is this a good time for a mid-morning break? Item five was to provide a general update on the proposed cable crossing options in relation to the East Coast mainline. Put it on it's item five before item six, because item six will then be site specific representations where people might want to comment on. So I'm tempted to say, actually, let's take a morning coffee break for 15 or so minutes and we'll return at 1130 and we'll continue with item five. Okay. We'll look down for a short break.

01:13:40:01 - 01:13:40:15

Thank you.