

File Name: CAH1 6th Feb 2024 Part 2.mp3

File Length: 00:28:32

FULL TRANSCRIPT (with timecode)

00:00:08:06 - 00:00:12:03

Okay. Welcome back. Everybody.

00:00:14:00 - 00:00:16:11

Just going to check that everyone can hear me.

00:00:17:29 - 00:00:21:23

And that the recording has resumed, it appears that it has.

00:00:26:02 - 00:00:53:15

Moving into item six of this compulsory acquisition hearing. Statutory undertakers. Um, under this item, the applicant will be asked to summarise any outstanding matters arising from representations by statutory undertakers. Summarise where the relevant tests for the exercise of power pursuant to section 127128 Planning Act 2008 would be met

00:00:55:07 - 00:01:09:09

any statutory undertaker or other relevant body in attendance, and wishing to speak in relation to an objection or issue raise that is relevant to the effects of the proposed development on its undertaking. Appraisal land will be invited to put those orally.

00:01:12:10 - 00:01:19:13

Just rechecking. If there have been any attendees during the break, it doesn't appear so.

00:01:21:00 - 00:01:53:19

Okay. So just to start, really, the examining authority received an update, a deadline to regarding the schedule of progress on protective provisions and statutory undertakers. As I understand it, protected provisions have already been agreed with. East Anglian Water Services Limited. Gate Burton Energy Park Limited and Cottam Solar Project Limited. And then discussions are ongoing with a number of other statutory undertakers.

00:01:55:28 - 00:02:11:24

We had discussion on this matter at the DCO issue specific hearing two weeks ago. So for the benefit of those not present, is there anything further to update in terms of the positions of statutory undertakers? Thank you.

00:02:12:27 - 00:02:46:03

The Clare portrait of the applicant. Um, no. Nothing further. In terms of, um, withdrawals of objections. Discussions are ongoing with each of those, um, that have made representations. Um, and

um. We are dealing with negotiations on the cotton, uh, solar project and the West Burton solar project, where statutory undertakers are affected by both schemes at the same time. Um, uh, because Cottam Solar Projects examination finishes um earlier.

00:02:46:05 - 00:03:23:16

The protected provisions are um are being prioritised for that project, but we're expecting very similar provisions and agreements to be entered into in respect of the West Burton uh, solar project. Um, there are a number of statutory undertakers where we also require voluntary property agreements, and those discussions are being undertaken at the same time. Um, for example, in respect of EDF and Network Rail. Um, because statutory undertakers, um protected provisions typically um, require restrictions on the use of compulsory acquisition powers.

00:03:23:27 - 00:03:49:23

Um, it's important for the applicant that those voluntary property agreements are in place before any restrictions are placed on the use of compulsory acquisition powers. So in those respects, whilst, uh, discussions on protected provisions are fairly well progressed, um, they are just waiting for the negotiations on the property agreements to be concluded so that everything can be agreed at the same time. Okay.

00:03:51:22 - 00:03:52:09

Thank you.

00:04:01:16 - 00:04:18:10

On in relation to negotiations with National Grid and energy providers. References made to the discussions being ongoing as we've discussed in relation to protective. So that in relation to protective provisions and side agreements.

00:04:20:10 - 00:04:37:09

Would it be possible? It certainly would be helpful for the examining authority. If you could clarify the main focus of those discussions, and do those discussions relate to the protected provisions and the side agreement, or just discussions on the side agreement?

00:04:39:02 - 00:05:12:14

A collaboration of the applicant, and discussions are primarily relating to the side agreements, and the typical areas that require further discussion relate to matters such as the provision of financial security during the works and the level of insurance cover that's required um, which both link to the extent of the indemnity provided, and also the dispute dispute resolution mechanism, whether that should be um, arbitration in accordance with, with the DCO or some other form of dispute resolution.

00:05:12:21 - 00:05:39:27

Um, so those are the measures that are uh, or those are the topics that are under discussion. The um, methodology for obtaining approval for works is, uh, is fairly standard and there is nothing unusual about this particular scheme. Um, so the drafting of the protected provisions that's already been included in the draft DCO, um, covers, um, all of the points that are of concern to the statutory undertakers in terms of um.

00:05:41:15 - 00:06:16:20

Uh, the restrictions on works and, um, yes, approval and protective measures that might need to be put in place. And it's for that reason that the applicants position is that the, um, protective provisions that are already included within the draft DCO provide sufficient protection to ensure that there is no serious detriment to the statutory undertakers undertaking and therefore, the tests in section 127 of the Planning Act 2008 um would be met. In any event, however, it's obviously continuing its discussions um, and is confident that agreement will be reached prior to the end of the examination.

00:06:17:02 - 00:06:17:17

Okay.

00:06:18:28 - 00:06:27:16

Thank you sir. It is the wording of the protective provisions in the current draft. DCO largely agreed.

00:06:30:00 - 00:07:05:04

At Clare project. The applicant? Yes, that's my understanding. Um, occasionally statutory undertakers update their precedent provisions, but as far as we're aware, we are. The versions in the draft DCO are the most up to date versions. The only exception is provisions relating to compulsory acquisition, which I mentioned in respect of Network Rail. We have not yet included those within the draft DCO because we are waiting for the voluntary property agreements, um, to be discussed. Um, we have progressed, um, protected provisions with um.

00:07:06:02 - 00:07:27:15

EDF. Um, since I think there is a number of placeholders in the, um, draft DCO at the moment. Um. But those, um, discussions have been progressed. And so we expect the next version of the draft DCO to include further sets of protective provisions for those entities.

00:07:29:20 - 00:07:30:11

Thank you.

00:07:34:29 - 00:07:46:13

Who? Specifically, you have mentioned obviously EDF thermal, who raised various points in their response to written questions. Um,

00:07:48:04 - 00:08:02:03

this again was discussed in relation to decommissioning and demolition programmes in the DCO hearing. DCO Eessh the consent order issue specific hearing two weeks ago.

00:08:03:20 - 00:08:28:21

EDF. Has referred to its responsibility for ensuring that third party operational infrastructure, which could be impacted by the applicant scheme, is protected, and to the need to ensure that the proposed cable route does not sterilize future development plans. Um, the applicant has referred to these negotiations being ongoing. Is there anything further to add other than that which you've set out previously?

00:08:30:03 - 00:09:01:23

A cloud project for the applicant. NASA, EDF have provided the applicant with a set of protective provisions. Um. Uh, an agreement which the applicant has reviewed and sent back some comments on that's currently with Edf's Solicitors for review. Um, but we're hopeful that um, that the draft DCO will be updated to include, uh, those protected provisions. And similarly, it is those matters that I mentioned before that are the outstanding points in terms of ensuring protection for assets and third party assets on their land.

00:09:01:28 - 00:09:10:14

The approval process prior to undertaking any works, um, is agreed and will be set out in those protected provisions. Okay.

00:09:12:16 - 00:09:14:17

Thank you. Okay.

00:09:26:18 - 00:09:58:01

So this May. Bring us back into repeating points made. And if if so, please just respond succinctly. The Network Rail turning to Network Rail. The written representation raised various points, including an objection to the use of compulsory purchase, compulsory acquisition powers, temporary powers over their plots to deliver developments. Um also set out nature of the their requirements in the protective provisions.

00:09:59:12 - 00:10:24:05

Again, these were referred to in the discussions two weeks ago. First point on that. Is there anything to update in the intervening fortnight and noting change, request change, proposed change three is being made in response to discussions with Network Rail since the submission of the DC application. Um.

00:10:26:23 - 00:10:35:10

In that change application. The detail sets out that Network Rail has not raised concerns to date.

00:10:37:15 - 00:10:49:27

So bearing in mind that Network Rail had not or has not raised concerns to date. Can you clarify how the proposed change arose or how it has arisen in those discussions?

00:10:54:06 - 00:11:34:25

Uh, collaborated with the applicant. Um, the change arose through, um, further technical discussions as to the design of the HDD crossing, um, and whether whether it would definitely be HDD or whether it would utilize um, uh, a bridge or sort of go underneath an underpass underneath the railway. Um, so in order to ensure there was flexibility to deliver the best design, um, and have that design approved by Network Rail at the time, um, it was decided to, um, expand the order limits to give that that flexibility, because there are a number of different ways, technically, that you can do the crossing.

00:11:35:03 - 00:12:07:24

Um, as I said before, um, the protected provisions, as they currently are within the draft DCO, require the applicant to obtain um, approval for any works, um, to the, uh, that may affect railway properties. So the design of the crossing will need to be approved by Network Rail before it can be undertaken.

So, um, any concerns that Network Rail have are addressed by those protective provisions and its Network Rail is preferred protected provisions that are on the face of the draft DCO at the moment.

00:12:07:26 - 00:12:27:02

So the only outstanding point is in relation to compulsory acquisition. However, solicitors are instructed to prepare the property agreements. Um heads of terms um have been agreed, so we are hopeful that that will be an agreement will be reached shortly on that. Okay.

00:12:30:27 - 00:12:31:16

Thank you.

00:12:33:13 - 00:12:45:12

And from that I take it that. And there's little to update on the discussions from two weeks ago, but we will have updates at deadline for okay!

00:12:53:03 - 00:12:55:12

Okay before moving on, I.

00:12:57:08 - 00:13:02:06

We'll check again whether or not we have any statutory undertakers present.

00:13:04:25 - 00:13:22:00

This would be the opportunity for them to raise or expand any concerns. And. I can safely say there is no representation in the room or virtually today, so I will move on to item seven Crown Land.

00:13:33:25 - 00:13:51:04

There were discussions around ongoing discussions around, um, progress with the Crown Estate solicitors in the DCO issue specific hearing two weeks ago. These were specifically in relation to protective provisions and the separate deed that is required that must be entered into.

00:13:53:25 - 00:14:04:10

Noting that these provisions are required also for gate, Burton and Cottam echoes and the previous comments made about addressing these cases in order.

00:14:06:03 - 00:14:17:14

It. I presume that that remains the the same order that they will be dealt with, and that there's been no changes since our DCO hearing two weeks ago.

00:14:18:29 - 00:14:51:20

The clever trick for the applicant? Yes. That's correct. We continue to chase Crown Estate Commissioners solicitors for the draft documentation. Um, and we remain confident that um, consent will be granted. Um, in the same way that it's been granted for gate Burton for the shared cable route. Um, we hope very much so that it will be prior to the end of the examination. Um, but I note that the consent, um, has to be, um, provided prior to the secretary of State making a decision.

00:14:51:26 - 00:15:08:03

Um, so in some other DCO projects, um, it hasn't been possible to obtain consent by the end of the examination, but it has been provided prior to the Secretary of State making a decision. Um, but obviously, we remain hopeful we will be able to get it before the end of the examination. Thank you.

00:15:11:05 - 00:15:20:12

Thank you for the update. Um, noting on item seven. We don't have any criminal authorities present.

00:15:22:09 - 00:15:27:01

So we'll move on to item eight. Funding.

00:15:28:25 - 00:16:02:08

So under this item, the examining authority will ask the applicant to summarize and advise of any updates to the funding statement. It would be helpful if the applicant could advise on any updates to this funding statement please. And note that the update, the funding statement was submitted with the change request, and that sets out that the change to the overall cost as a consequence of the changes themselves will be put as negligible. So without needing to go into great depth on the change request and those changes are there.

00:16:02:11 - 00:16:08:09

Is there anything further that the applicant wishes to add on funding and funding statement at this point?

00:16:10:11 - 00:16:39:08

A clever project. The applicant? No, as you mentioned, as part of the change application. We reviewed and updated the funding statement, which was as Dash 045. And as part of that review, we considered the figures that had been set out in there, both in terms of the, um, cost of the scheme, um, as a whole and also the compensation liability. Um, and, uh, it was determined that there was no need to update either of those figures. Thank you.

00:17:04:20 - 00:17:07:07

Thank you, Miss Broderick. Okay.

00:17:14:09 - 00:17:15:01

In.

00:17:16:18 - 00:17:21:04

Summarizing it. Deadline for then it would be helpful. Just.

00:17:22:25 - 00:17:26:23

To reiterate what you've just said and think.

00:17:28:21 - 00:17:35:00

Which I would expect. Would come through in your summary of submissions in any event.

00:17:36:25 - 00:17:40:18

On to. Item.

00:17:43:11 - 00:17:49:04

Eight on the agenda, which is. A review of issues and actions.

00:17:51:26 - 00:18:00:19

Most of these will come through as a matter of course. Deadline for is set for the 28th of February. Um.

00:18:02:09 - 00:18:39:03

I've noted. And these will be published. On the the website as soon as we can. Uh buy deadline for to set out the West Burton proposal. Cables coming from the southeast. And that this is not a reference to any of the changes in the change application change request application. Also, to provide evidence on the transport movements relating to change five around West Burton Power Station which forms part of that change application.

00:18:39:05 - 00:18:45:19

But if it could be um, highlighted really as a almost a standalone item.

00:18:47:16 - 00:19:20:00

Or reference made to exactly where the question on the construction impact, the construction vehicle impact will be felt as a result of that change. For clarity, for um affected persons. There are a range of ongoing discussions which we have referred to, which will form part of a review or. Are actions for the applicant to update on by deadline for.

00:19:22:16 - 00:19:33:21

As well as any potential issues or impasse. That might be foreseen with any of the ongoing agreements that need to be put in place.

00:19:37:03 - 00:20:01:16

The two further points. Book of reference. I've put. Need. I think there are a number of updates that will be needed as a result of your ongoing discussions in any event, as well as funding statement. Um, in the event that there are changes that need to be clarified or put to the examining authority at that point.

00:20:04:04 - 00:20:14:16

That was the actions that I had noted. There may be there may be others. Is there anything? You'd like to comment on on my list.

00:20:15:21 - 00:20:46:17

Uh, Collaboratory for the applicant just in relation to the, um, first action. Just to note that we, the applicant team, did, um, speak with, um, Miss Warren during the, um, during the break. Um, and we have, um, agreed to send her a number of plans and the figures, um, directly, um, as well as we'll obviously refer to the actions in the written summary. Um, but to avoid that, getting lost in all of the other materials submitted at the next deadline.

00:20:46:20 - 00:21:11:12

Um, uh, we've agreed to send those direct that information to her directly, and she's provided details, um, for us to do so. So I just wanted to flag that, um, that the applicant is doing that in addition to, um, the written submission. So we weren't going to we were going to include that as the, as an action to the hearing notice in the, in the usual way rather than a standalone document, because we'll be providing the information separately.

00:21:13:07 - 00:21:46:24

Okay, okay. That's noted. Thank you. Yes, it that will be helpful. It will be helpful that you're able to cross reference to that in, um written submissions following on from the hearings. Okay. Item. Nine is any other matters. I want to refer specifically here, really to the book of reference and the importance of keeping it up to date in light of changes made and also discussions undertaken as they evolve more widely.

00:21:47:23 - 00:21:59:01

I'm aware that an update which was revision D was issued with the change request, and presumably that's just something now that the applicant will continue to keep under review.

00:22:00:20 - 00:22:31:24

Uh, the applicant. Yes. So at the next deadline, a new version of the book of reference will be, um, submitted, which will include the changes, um, that formed part of the change application. Um, and also, um, as is usually the case, um, a, uh, a book of reference refresh is update is undertaken to see whether there have been any changes at the Land Registry, for example, that would need to be noted. Um, so that general update will be undertaken for the next deadline.

00:22:31:26 - 00:22:50:21

Um, and we will be submitting the updated schedules, which reports on the status of negotiations. Um, with landowners, we obviously don't. The book of reference itself doesn't reflect the status of negotiations. That's just the interests as they are. But the schedules will be updated for the next deadline as well.

00:22:54:06 - 00:22:54:23

Thank you.

00:22:56:07 - 00:22:57:09

So does anyone have.

00:22:57:11 - 00:23:03:03

Any other matters they wish to raise in this compulsory acquisition hearing?

00:23:06:11 - 00:23:10:19

Mrs. Barn. A microphone will be. Provided.

00:23:14:12 - 00:24:00:23

It's probably not, um, Mrs. Warren. Uh, underneath the cooling towers. Um. It's not a compulsory acquisition question, but how much more impact do I have to have on my life before the Secretary of State actually takes any notice? I've got the, uh, demolishing of of, uh, West Burton. I've got the



quarry, I've got green, I've got SCA, RSN, RSC that's doing solar panels, I've got pylons, I've got the national grid, I've got the, uh, battery packs all impact with, uh, paths, um, diggers, you name it.

00:24:01:03 - 00:24:31:12

And and it's just that I'm sat there minding my own business and the impact on my life from everything that's going on. It's just not one person's, um, fault. It's everybody's. And nobody sort of seems to come back and sort of say, ah, you or I or or, you know, you know what? What is the what is the answer to it, you know, is anybody does anybody concerned the fact that I'm sat down on it was minding my own business last year and somebody started photographing me on a house.

00:24:31:14 - 00:24:58:02

And so nobody is actually giving me any information apart from you. You're telling me what you're doing, and then you're not telling me what the next person is doing. And when they actually demolish the power station cooling towers, they've got to move me out of my house because I'm too close. So what is the answer to everything and the impact of the whole green? Whatever it is happening around my house, what is the answer for me?

00:24:58:25 - 00:25:32:12

Okay, well, this hearing is to do with the compulsory acquisition and temporary possession. So many of those questions rest outside of. What this hearing is here about today. Appreciate that there are a lot of sensitivities, and I appreciate the attendance here and the discussions that you may now be able to have with further information provided by the applicant directly. I note that you are, um, involved in the process and.

00:25:33:02 - 00:26:06:25

Will be welcoming your written submissions on, based on what you've said today, so that they can be introduced into the examination, and they will then form part of the reasoning and deliberations of the panel in writing the report. But the report and this examination is by its nature, to do with. The proposal that is before us. There is a part of that consideration. That is the cumulative impact. And those will also be weighed into the report and the recommendation to the Secretary of State.

00:26:08:22 - 00:26:43:18

In terms of joining all of the dots together. And the different, um. Different applications and different components that have an impact on an individual's life. I think your engagement in this process and the other processes will definitely benefit the examinations and will benefit yourself from the understanding. But please do continue to have dialogue through the examination process. And obviously what has maybe begun today or has begun in the past.

00:26:43:20 - 00:26:48:11

Just further discussions with information that's provided to you from the applicant.

00:26:54:25 - 00:26:55:13

Something else.

00:26:57:06 - 00:27:03:07

As long as it is. And relevant to compulsory acquisition. Okay.

00:27:04:15 - 00:27:05:00

Thank you.

00:27:11:23 - 00:27:41:27

So as noted. Um. The agreed actions will be published on the West Burton solar page of the National Infrastructure website. It will be helpful to have the documents identified in those action points, to be provided by deadline for 28th of February, 2024. Similarly, it would be helpful if a summary of your oral submissions today could be made by deadline for the recording of the hearing will be published on the project webpage as soon as is practical.

00:27:43:18 - 00:28:14:08

Just to close the meeting, and I'd like to thank everyone for their participation and contributions today. As usual, if you've spoken, please could you provide your written submissions? As previously stated, the recording will be published as soon as possible, and a reminder that issue specific hearings are continuing this week relating to environmental matters. First of this is issue specific hearing three to take place here tomorrow, commencing at 10 a.m. with registration from 930.

00:28:14:29 - 00:28:23:25

And all that remains now is for me to thank you all for your participation and to say that the compulsory acquisition hearing is now closed. Thank you.