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FULL TRANSCRIPT (with timecode)

00:00:05:01 - 00:00:07:10

Welcome back everyone. Hearing is now resumed.

00:00:13:09 - 00:00:46:10

Next up, we're on item number four. Next up, we have aviation flight and drive center. Before we do, though, is Broderick. I just wanted to let you know that yesterday afternoon, Mr. Henley. And did visit the driving center as part of our access required site inspections. When we arrived, it did become evident that we needed to be accompanied to some extent because of safety issues. The track was in use and we did travel in separate cars, but two points we stopped along the way. We were accompanied by representatives but wanted to make clear no discussion of merits took place. Just wanted to make you aware of that before we continue the discussion.

00:00:46:25 - 00:00:48:25

We were able to see what we needed to see on site.

00:01:00:12 - 00:01:12:11

My first check will be speaking or leading the discussion in terms of your blatant drive center. I may refer to you as L.A. or Brighton Driving Center interchangeably, so excuse me if I get it wrong.

00:01:13:28 - 00:01:17:14

This will be me who will present the situation.

00:01:20:12 - 00:01:22:20

Assistance from Ireland, if that becomes necessary.

00:01:23:06 - 00:01:26:29

And so you might have to speak a little bit close to the microphone. We're having some sound problems today and.

00:01:28:04 - 00:01:40:06

It will be myself that will lead the presentation if you like, but would like to call on Alan if you'd like to contribute on the technical operational side of the driving centre.

00:01:40:08 - 00:01:57:17

Yes, thank you very much. Well, can see from the book of reference reference that aviation and the Dragon Centre have interest in a number of different plots. And I wonder if you could indicate, firstly, whether it's all of the plots where you have concerns or just some of them.

00:02:01:21 - 00:02:08:15

That's a matter of the realm. I'm not entirely sure on, but aviation groups.

00:02:08:24 - 00:02:21:07

I'm going to ask if someone could perhaps bring the land plans up on screen for us. And that's A00 seven. And it'll be sheet number one.

00:02:27:13 - 00:02:43:15

So on. Blind driving center. We do have the k number plot from the bottom three. Article six c6 .4.3.3 of the field numbering plans, if that helps.

00:02:44:09 - 00:02:47:18

Yes. Yes yes. Those on the land plans? Yes.

00:02:49:11 - 00:03:04:06

With reference to that. Our our bordering sections are K six, K9 and K eight, of which K-6 and canine pose a a danger to life as it stands, and.

00:03:04:10 - 00:03:14:23

I'm awfully sorry, those aren't the plot references, okay, those aren't the plot references. Wait for them to come up on screen. Hopefully someone's Ms.. Broderick.

00:03:15:03 - 00:03:25:04

Claire. If it would assist, the applicant could maybe set out what it considers to be with reference to the land plans. And then when they're on on the screen then. Yes. Yes. Well, think.

00:03:26:01 - 00:03:28:23

Sheet one A00 seven.

00:03:28:25 - 00:03:52:08

Yes. So in terms of inclusion within the book of reference and the interests related to the use of the access track, and so there's a number of plot numbers in relation to that, but that's that strip of blue that goes from a. The road to the south, which. Think is Curtin Road, Croydon.

00:03:53:00 - 00:03:54:09

Sorry, I'm looking at the road.

00:03:54:11 - 00:03:59:16

Think to the south. Just checking and then goes north. But once they're on the screen then.

00:04:01:17 - 00:04:08:02

Just to confirm. Think the case officer was doing that rather than the applicant. Is that correct? Can't see them.

00:04:08:04 - 00:04:12:15

Think can can see. Not from the back of the room. And they are coming up. It might take us a moment.

00:04:16:12 - 00:04:17:00

Here we go.

00:04:19:03 - 00:04:19:21

Thank you.

00:04:19:25 - 00:04:32:29

Yes. Claire, from our perspective of the book of reference, the blue strip of land, which is the access private access road that goes from the road to the south. If you scroll down ever so slightly, you'll just be able to see the.

00:04:33:07 - 00:04:35:17

Yes. Yes, I have them in front of me. Yeah.

00:04:36:00 - 00:05:08:22

Just for the purposes of the gentleman looking at the screen. Yeah. So you've got the road to the south, which has sort of a yellow strip which is A1, A3 one, that's the public highway. And then the road goes northwards and is coloured blue on the plan, and that is a private road and will be used for access during construction. And then also um, for operational purposes. Um there's the. So access is sought over there.

00:05:08:24 - 00:05:42:07

And because the Blyton Park driving centre also uses that track, they were included as having interests for the book of reference over that track. My understanding is that Blyton Park Driving Centre also consider that they have some form of rights in relation to plots. The pink plots, which is 01003. Fund 0071006.

00:05:42:17 - 00:05:50:22

And then. A1017 potentially as well. Um. The applicant. Um.

00:05:52:17 - 00:06:22:06

Hasn't been provided with any evidence in relation to the. From a property perspective as to the nature of those rights in its discussions with the landowner of those plots, which it has a option agreement for for the solar panels and. So the applicant isn't currently aware of what the status is in relation to any property rights over those pink plots, which is why they haven't been referred to in the book of reference, because we haven't.

00:06:22:15 - 00:06:24:10

Had been referred to in the book of reference.

00:06:25:28 - 00:06:36:06

In fact, when I had a look and may have been mistaken, but when I had a look earlier in the week. There were a large number of plots that are referred to in the Book of reference.

00:07:17:19 - 00:07:24:22

So the most recent examination library reference is Rec 2006.

00:07:28:08 - 00:07:29:27

I have to say, it did only have.

00:07:29:29 - 00:07:32:00

A quick look, but I have them down as.

00:07:33:07 - 00:07:42:19

Category two person in 00123. Category 1 in 0 zero four.

00:07:44:23 - 00:07:48:22

310052007.

00:07:53:27 - 00:08:26:11

If the applicant. Yes. In relation to rights of access. But not. But not as. Understand it in relation to the rights to use those fields as emergency and runoff areas for the vehicles was the point was making, which is one of the concerns that's been raised in the representation. So rights relating to access and have been noted. But in terms of the nature of the rights for the use of those surrounding fields for.

00:08:28:07 - 00:09:02:09

Uh, in relation to, um. For that purpose. We don't have the details of we understand that the lease has been recent, so we've referred to the previous lease that was recorded on the Land registry, which was 2014 and 2015 deed. Our understanding from discussions with the landowner is that that lease may have been recently renewed, but we haven't been provided with a copy of it and it's not available. Understand at the moment on the Land Registry information.

00:09:02:11 - 00:09:08:18

So it may be that it's changed since. The book of reference, but it would be perhaps helpful.

00:09:10:14 - 00:09:17:13

If further information could be provided. If if the information is not, it's in the book of reference is not correct.

00:09:17:26 - 00:09:24:25

When you say further information provided, do you mean by or by the landowner? Because presumably you're in discussions with the landowner who's a party to the lease?

00:09:37:07 - 00:09:39:21

A collaborator of the applicant. There is a slight.

00:09:41:21 - 00:10:17:29

A discrepancy between what we're being told by the landlord, by the landowner, and what the representatives for Blight and Driving Center are claiming they have the rights for. So as far as we've been told, there aren't rights for they want any formal rights in relation to the ability to use the surrounding fields for as emergency runoff for the vehicles, but obviously representative representations have been made to the contrary. So if there is information to support that, that would be very useful for the applicant to have, and we would obviously update the book of reference accordingly.

00:10:18:01 - 00:10:21:17

If there were, there were details provided to support that.

00:10:23:08 - 00:10:38:19

What if you could shed any light on the position of LNT or Platon driving center, and the the rights that you consider you have over. For example, plot 1003. Think 1006. This project mentioned as well.

00:10:40:23 - 00:10:46:01

Yes, sir. Mr. Groote, on behalf of the Blind Driving Centre and.

00:10:48:05 - 00:11:20:29

My understanding, our understanding. It's been alluded to here that the lease that we have over the land has been renewed in recent times, and that's not the case. The lease has been with L.A. since 2014 and extends to 2046. Yes, it's a long term lease in relation to which of course that offers rates of access and rates of use. And of course. Our position in relation to the.

00:11:21:24 - 00:12:01:17

Use of the former airfield for. Physical activity. It is long established, long established in a planning sense, and has gone on since, informally since the late 1950s. Formally since the 1990s. An high speed vehicle activity is taking place here. Or that period of time. So it's a long established use in relation to which there is not only the rights of the lease, but in association with the use of the circuit for activities as described here.

00:12:01:29 - 00:12:43:15

That has been. A long term, continuous and regular usage of our town has run off areas. Uh, essential to the health and safety and operation of the driving center. And. Without these. At the use of day runoff areas. Um, we have a situation where, um, the issues are potentially fatal for drivers who reduce the track and essentially fatal, potentially in relation to the business use.

00:12:44:21 - 00:12:59:23

And so we have very, very serious concerns about what is being proposed and terms of the extent of the arrays of solar panels and their proximity to the driving circuit.

00:13:01:25 - 00:13:19:21

What we want to achieve from our intervention in this is safeguarding and maintenance of the operational conditions of the driving centre. The long established local business that is recognised as being an important part of the local community.

00:13:21:19 - 00:13:55:07

In terms of rights. We believe in a planning sense. No, that's probably not for this hearing. But we believe there are lawful. It's a lawful use that we hold for the use of the runoff areas. And we would rely in a legal sense on prescriptive rights, because forever, for as long as vehicle activity has been present on the circuit, which, as I've mentioned, has been over decades now.

00:13:56:05 - 00:14:27:20

And vehicles because it's driver training and practice vehicles have been spinning off the track, running over the run off areas, and that has been continuous and necessary in relation to the safe operation of the the business. So whether it's in a planning sense or a legal sense, we are claiming rights to run off areas around the track. And in fact, from everything we've heard over the course of this week.

00:14:28:19 - 00:15:09:05

Our objective is to see a buffer zone, a reasonable buffer zone being provided by the applicants around the circuit that allows the. The business. The operational conditions of the business to be maintained and safeguarded, but not prejudice, which is what we feel at the moment. The operating conditions are prejudiced by the proposals due to the proximity of the array of solar panels to the track, which in the case of to, to the south of the track and to the east of the track, there almost up to and touching the.

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

The driving surface and again, can only I can only say that that presents a very serious, very severe health and safety issue before we even look at the planning side or legal side.

00:15:29:15 - 00:16:07:12

Um. So. So. This is where we are with it and what the position is with communication on these matters. We've not been party to any land. The discussions and the applicants have not spoken to us about our legal rights of access and the position in relation to adjacent land. Uh, we're looking for a situation where our use can prevail beyond any development of the solar projects that may occur.

00:16:08:10 - 00:16:39:07

Uh, and quite reasonably, after everything we've heard this week. We are seeing buffer zones in relation to historic environment features within buffer zones in relation to other uses. But no reasonable buffer zone being provided or discussed with ourselves in relation to a licensed park driving centre, and with very serious consequences of not having a buffer zone around our facility. And.

00:16:40:04 - 00:17:12:19

So. We are here to object to the scheme as presented at present. Um. We feel that's absolutely essential from our perspective, and we are feeling that we must see some change to the array of solar panels there must be. We feel it is necessary that there is a reduction. In the proposals around.

00:17:13:23 - 00:17:31:03

The driving circuit. And we must have some dialogue with the applicants, which. We fail to see or fail as failed to materialise in any meaningful manner to date.

00:17:38:13 - 00:17:44:10

Thank you. Thank you very much. Just checking a point on the work plans. If you can bear with me for a moment.

00:18:01:21 - 00:18:03:27

Number of points there. No doubt you'll want to come back on.

00:18:05:21 - 00:18:34:17

But just a few quick questions from me initially as understand it, claiming both rights within the lease and prescriptive rights, and appreciate that you may not be aware of the prescriptive rights marker on that for a moment. Um, but having looked at the plans, you can see that the I can see that the panels are coming very, very close to the track. And a number of areas haven't seen the site yesterday. I don't think it's.

00:18:38:22 - 00:18:46:25

Outlandish to suggest that in the event that there was a runoff into those fields, there is a significant safety issue that needs to be at least looked at.

00:18:49:22 - 00:18:55:04

The clarity of the Atkin just in terms of the background. Suppose, which helps.

00:18:57:06 - 00:19:27:27

Contextualize why the works plans are as as they are and. As we set out in our response to the relevant representation that was made, which is rep 1-049. The applicant did notify aviation in relation to section 42, the Planning Act of the Pre Application Console stage consultation stage and didn't receive any response. And from that as part of that process.

00:19:28:08 - 00:20:17:21

And similarly, the applicant obviously has been in discussions with the with the landowner as part of the option agreement negotiations and the use of the runoff area wasn't highlighted to the applicant as part of that process. So that's what led to the design that's proposed in the works plans, not taking into account that usage because simply the applicant wasn't aware of it. And from a purely sort of technical compulsory acquisition perspective, what we're trying to identify is the nature of the rights as whether their rights that were easily terminal by the landowner at any point in time for any reason, or whether there are another type of right that would require the use of compulsory acquisition powers in order to extinguish or interfere with them.

00:20:17:23 - 00:20:58:16

And that was the that was, I guess, my request for a bit more information about it. So we could both correctly reflect it in the book reference, but we could also then provide some more information about how the powers and the DCO may need to potentially be used in that respect. Um, that that's just by way of the background. However we are the applicant is in ongoing discussions and there were

conversations had earlier in the week, and the design is being looked at in this area to see what can be accommodated and what other possible solutions there are in terms of mitigation.

00:20:58:18 - 00:21:46:23

Obviously, the removal of panels has an impact on the generating capacity of the scheme and the applicant needs to balance, um, the loss of that generating capacity with perhaps, um, the costs associated with putting in place another form of mitigation, whether it's some form of barrier or different type of solution, and understand that some further information is going to be provided in terms of what the what the options are, I suppose, in terms of obviously providing or maintaining the status quo, obviously was would result in the maximum loss of panels, but reducing the buffer area through another type of mitigation measure could mean that more panels could be had.

00:21:46:25 - 00:22:19:22

But obviously there are costs associated with putting in place those types of mitigation measures. So that's something that the applicant is currently looking into with the hope. That there is a solution that enables both projects to coexist. It's not the applicant's intention to prevent the racing track from being in operation, and we're very mindful of the safety concerns that have been raised. But the work is ongoing in terms of what the solution is to ensure coexistence.

00:22:20:26 - 00:22:29:14

Thank you. Project I'm kind of suggested. Discussions perhaps intensify intensifiers. Having seen the site, I can see that there are some.

00:22:31:22 - 00:23:01:27

Safety issues that possibly need to be addressed and taken into account in certain aspects. Certain parts of that track and having looked at, looked at it even on the planets. It's quite clear that there are certain parts of that track that anyone who drives. See that if you go around the corner and you spin off, you could end up crashing into a number of large panels. And that's a question of potential life loss. So would just put a marker in that as well. And if it can be updated then.

00:23:02:10 - 00:23:02:25

Yes,

00:23:04:05 - 00:23:13:25

it definitely wouldn't be the intention that that would be a possible scenario. The options being considered are removal of panels or some alternative form of safety system.

00:23:14:25 - 00:23:18:18

That's great. Thank you very much. Is there anything else Mr. Wood?

00:23:20:01 - 00:23:47:15

So yes. Yes. Please, sir. And just, just appreciate there may be some coming together of minds on on this issue, but just want to explain the issue from our perspective because it. Goes further than just the runoff zones. As we have now appreciated this week, solar panels and mounted on pile foundations and will stand to a height of 4.5m. As far as we understand. There is some debate about that, but don't.

00:23:47:17 - 00:24:00:11

Think that's the case, Mr. Wood. Think if they're on pile foundations, there are 3.5m and if they are 4.5m, it's concrete shoes. Is that correct in this project? Not planning piles and tracking panels on together.

00:24:00:27 - 00:24:14:16

The applicant said the maximum height of a fixed panel is 3.5m, regardless of its fixing, and the tracker panels are 4.5m again, regardless of what type of.

00:24:15:18 - 00:24:21:20

So there is potential. Mr. would write that there is potential for 4.5m on piled panels. Okay. I'm sorry.

00:24:22:07 - 00:24:23:23

At maximum height.

00:24:23:25 - 00:24:24:27

Maximum height? Yes.

00:24:26:13 - 00:24:58:06

Okay. Either way, we are seeing an issue with the visibility of the driving circuit from our central control point. This is an unallocated position to the northeast of the circuit and where the panels are proposed, where the interchange into what we see is between the access road and the circuit. We're seeing.

00:24:59:03 - 00:25:31:15

The potential for a loss of visibility off the southern part of the circuit. Which is never a good thing and not. Agreeable in a health and safety sense. So not only are we looking for the buffer zone around us, around the perimeter, we have to be looking for some reduction in the array of panels that are proposed within. The operational area. Off the driving center.

00:25:32:17 - 00:25:43:00

And what are we talking about in terms of plot numbers? And I do appreciate that you don't have that in front of you and wonder if we can bring that back up on screen. But if I understand your point.

00:25:44:24 - 00:25:58:18

And having seen the the green hat, the observation hat, it would be a you'd be it's the visibility across 01003 and potentially the corner of 007. Um.

00:26:02:27 - 00:26:04:27

That's the thing. That's correct. So.

00:26:06:00 - 00:26:09:20

If those are the works plans we have on screen. It's the land plan side.

00:26:22:03 - 00:26:53:19

Our view is that we need to be involved in discussion with the applicants in relation to this issue that has arisen as. We've all understood more about the development proposals over the course of this week. Our position has evolved and not only are we looking for runoff areas to the perimeter. We are looking for a reduction of. The solar panels that are proposed within the areas you've just referred to.

00:26:54:22 - 00:27:10:26

And because at the moment. Now we give us again another serious health and safety issue. Not being able to see from our central control point. The southern part of the track. Therefore not being able to see incidents as they occur.

00:27:15:27 - 00:27:41:12

I just want to make our position clear to the applicants that. This is where we're coming from, and this is why we're seeking a buffer. But we're also seeking an area free of solar panels, which allows us to



preserve and safeguard the operational conditions of the driving centre. Of course, the very long established driving centre.

00:27:43:28 - 00:28:15:12

Thank you, Mr.. Mr.. Hanley and understand the issues that you've raised. This project will give you an opportunity to come back. But what I would like to say here at this point is that in view of the notification of change request, I do anticipate that we will have a further compulsory acquisition here in February. And I think that accords with some of the timetabling that you've suggested. I'm going to suggest that we pick up this point at that hearing, even though it would be close to the end of the examination. But in the meantime, if you could keep us updated with this discussions, that would be very useful.

00:28:16:02 - 00:28:16:17

Ms..

00:28:16:19 - 00:28:17:04

Brodrick.

00:28:18:21 - 00:28:51:10

Yes, we will definitely keep the examining authority updated. And the point that's just been raised is, as I understand it, a new point for the applicant hasn't been raised before. It would be helpful, I don't know. You might stand up and point it out. Just if you could possibly point out exactly where the control center is that you're referring to, just so there's no confusion in terms of where the point is that you're looking so that we can take that point away and consider it. We didn't want to misunderstand which areas you are talking about.

00:28:53:27 - 00:28:54:12

But.

00:28:59:01 - 00:28:59:16

Right.

00:29:01:05 - 00:29:01:20

Okay.

00:29:08:03 - 00:29:09:28

Lights from this area here.

00:29:12:05 - 00:29:18:01

We're basically looking at being able to see across this top corner as being fairly critical.

00:29:21:04 - 00:29:25:19

So would you mind seeing that again for the purposes of the record? We should have said that before you started.

00:29:26:29 - 00:29:37:12

Yeah. Control point is, is here we have a race control here that is monitored or manned by the race circuit operational director.

00:29:38:27 - 00:30:03:25

And he controls the marshal points around the circuit, of which there's one here, one here, one down here, one in the middle. And he also views the circuit for safe operation and was spun off so we can flag it. So it's critical that we can view the whole of the circuit from there. So from there it's that line

of sight up to this top corner is important. So this this section here effectively cuts through our line of sight at maximum height.

00:30:06:08 - 00:30:17:21

Collaboratively. Just for the purposes of our modeling, looking into this point. Do you happen to know or could you provide in writing the height of your of the control tower?

00:30:18:00 - 00:30:31:08

Wonder whether this is better off. Discuss outside and then you can have a discussion between yourselves and and that will facilitate these ongoing discussions between the parties. I'm not sure that's something that Mr. Henley and need to be necessarily involved in at this point.

00:30:32:00 - 00:31:08:13

That's notable to catch up after the hearing, just so that we can understand, just so we can understand, so we can take the point forward. The only question that did have which would be helpful to understand is whether, on that basis, they have some form of property restriction that prevents the current landowner of plot 01003 doing anything in that field that would restrict the line of sight at the moment is that an existing would be helpful to understand whether that is an existing control they have over the land, because we're not aware of that.

00:31:08:15 - 00:31:10:03

So it would just be useful to understand that.

00:31:10:24 - 00:31:16:01

I'm not sure if Mr. Wood can respond to that point today, but Mr. Wood, do you have that information available?

00:31:18:21 - 00:31:39:12

Thank you, Sir Alastair Wood. And, um, do have that information, but what what I would say is the land currently has an agricultural use and it's down to an arable crop. Uh. At no time does not interfere with the visibility from the central control facility.

00:31:40:28 - 00:32:14:25

Crops in Lincolnshire do grow well. They don't grow that high. And for that reason that at present there is no obstruction or visibility. And it would have always been an issue for us with the landowner. That being the case at the beginning, the obstruction of visibility. So don't think it's a legal point, but it's been a practical appreciation and understanding between the parties that just has never materialized until now. And it's not the case that there's any development or there.

00:32:16:24 - 00:32:53:20

Whose crops or agricultural activity that could go into that situation and that would impede the visibility. So it is a practical arrangement at present. I don't believe there's a legal position on it, but it's never been an issue until now, when we're faced with an application to put a 3.5 4.5m high solar panels in that field of vision, and therefore it's not. You've never been an issue that has been discussed previously, but it needs to be discussed now with the applicants.

00:32:54:03 - 00:33:01:12

And I would suggest that we meet on site to view these concerns so that there's a full appreciation from the applicant's point of view.

00:33:02:29 - 00:33:03:14

Imagine.

00:33:06:18 - 00:33:07:03

Push that.

00:33:07:15 - 00:33:22:00

Before you do think obviously this is a compulsory acquisition Cheering and I do appreciate that we are having discussions that. Partly related to compulsory acquisition, but also might touch on things around the and the application will generally. So I do appreciate that there is a crossover here.

00:33:23:16 - 00:33:35:08

For the applicant? Yes. No, that's that's helpful to understand. Think for the purposes compulsory acquisition. We just wanted to make sure we understood the right situation. And on that point about the crossover between

00:33:37:04 - 00:34:10:25

the issues that have been raised and environmental assessment topics, the applicant is looking obviously, some of these points had been unknown to the applicant at the point of undertaking the environmental impact assessment and putting together the environmental statement, we are looking at producing an addendum to look at the concerns that have been raised, to see whether there are any changes to socioeconomic conclusions, for example. And also another point that has been raised by the driving center is in relation to noise and their concerns.

00:34:10:27 - 00:34:56:15

They have that the presence of the panels could amplify noise that's generated by the vehicles using the track. We do have our noise consultants with us. If it would be helpful to sort of set out our initial thoughts on that, although appreciate this obviously is a compulsory acquisition hearing, but we didn't have the opportunity in the hearings to go into those topics. But on the basis of trying to understand the impact that the project the scheme may have on the ongoing operation of the driving center and how we believe that the two the scheme can coexist with the driving center.

00:34:56:17 - 00:35:21:00

We do have them available to provide a bit more information from a technical perspective, and then that will be supplemented in the addendum that I've just just mentioned, but just wanted to make you aware that they were here also for the benefit of the representatives from the driving center. If they want had any questions on noise related matters, then we could discuss those. Note that we've obviously got a bit of time.

00:35:21:16 - 00:35:53:29

I'm slightly hesitant to mix things too much because it does get a little bit confusing. What might be easier if we Mr. Henley, and see the agenda, the addendum first, and then if we have any questions, we can follow those up in writing or potentially in a further which again might come, come about as a result of the potential change request that we'll be receiving next week. And in the meantime, it might be that after today's hearing, your noise expert might want to have discussion with the representatives of how to set up your position at that point, and then they'll have a better understanding of where you're coming from.

00:35:56:19 - 00:36:06:06

Yes that's understood. Obviously the change application. Doesn't relate to. Anything in this particular area just to make.

00:36:06:08 - 00:36:20:03

No, I appreciate that as well. I think my point is, as we'll be holding additional hearings anyway, I don't think that we need to confine those just to the change, and we could use them to discuss this point further should we need to, or should we consider the need to at that point?

00:36:47:07 - 00:36:52:01

Bear with me for a moment. Close to my agenda on screen. So just need to bring it back up.

00:36:56:27 - 00:37:03:08

We are coming to the end of item number four. I did. Oh. I'm sorry. Before we carry on.

00:37:06:05 - 00:37:42:27

Our mobile stone blind driving center. I'd just like to add a couple of technical points for the applicant's behalf or the applicants understanding. Really? Um, welcome. Welcome. Further discussion at a later date. Just to make it clear on a couple of points, the areas that we're talking about in terms of runoff, um, which yourselves saw yesterday, is not just a simple question of being able to put a barrier up. We have to abide by the laws of physics, be able to slow cars down, not just hit something, even if it's a soft barrier.

00:37:43:21 - 00:38:23:06

Circuits in the UK and all over the world are having further and further runoffs, tarmac areas trying to alleviate damage to life and limb. So what we're requesting is. Is not really a and all we need. We need to have enough space and an ultimate stop, a barrier before we hit anything. So I would envisage that in reality, a site visit by somebody that understands from the applicant's side with us so we can explain that would be absolutely necessary for all of these problems.

00:38:23:23 - 00:38:58:29

And likewise, the access road is not just an access road for us. We have a number of facilities on our site of which get used not just for access, but there's parking on there. The lower half of the access road, either the the northern half of the access road is our race paddock. On a busy day that will be full of trucks, cars, race teams, trailers, guests. Up to a 400 odd, odd people on site in hundreds of vehicles.

00:38:59:01 - 00:39:32:02

So all of that needs taken into consideration when construction is taking place. Likewise, the circuit is operational when construction is taking place, needs to be safeguarded first and to put some context in. We are operational around about 300 days a year, so it's not like we have a big downtime where these projects could be could be done. Even our own small projects track repairs such like have to take place in a very short period of time in January to be able to minimise the downtime.

00:39:32:04 - 00:39:49:10

So it's quite a complicated subject and I know it's not one to discuss here, but it's certainly one that I'd like to bring to your attention, or certainly to the applicant's attention, that it needs a proper discussion on site and a proper understanding of the problems that we face. Thank you.

00:39:50:16 - 00:40:07:22

Thank you. You did mention earlier about intensifying discussions. Think this is an issue. We are halfway through the examination now and it seems that this has. The potential to create some further difficulties as we move forward, so I would appreciate if we could be kept updated at every deadline.

00:40:10:15 - 00:40:39:06

I project the applicant? Yes, we definitely keep you updated. And we will also. The same as we mentioned in relation to the track in Mr. Skelton's residence. We will also provide some numbers in terms of the traffic movements for this particular access. So there is a greater appreciation of the number and frequency of movements specifically here, rather than the numbers that are for the project, for the scheme as a whole.

00:40:39:12 - 00:40:49:00

Thank you. I think it may be, once that information is available, that all parties will have a bit more clarity about what's being proposed and how it will impact on the driving centre.

00:40:51:05 - 00:40:53:11

Is there anything else from this point before we move on?

00:40:54:06 - 00:40:54:25

Mr. Skelton.

00:40:56:27 - 00:41:04:15

Thanks. Simon Skelton. To person, it's just a quick couple of quick things. I've just been looking at my daughter W are. Um.

00:41:05:26 - 00:41:06:19

His project just.

00:41:06:21 - 00:41:09:04

Mentioned then about the track obviously.

00:41:10:04 - 00:41:15:06

So Mr. Scott, this is in relation to your track. Yes. Sorry. Yes. Just wanted to clarify you in relation to yours.

00:41:15:22 - 00:41:53:16

The track that Ms. project just mentioned to my house and mentioned about the all the traffic potential increase and. Said about. It's a locked gate at the bottom and obviously home is very isolated. And obviously I would imagine, I don't know for sure. Probably neither is the applicant. But there's like to be security staff patrolling, probably all four projects of the go ahead. Don't know. But. If we get somebody up at our house in the middle of the night, it is 100% an intruder.

00:41:54:17 - 00:42:06:21

I would not be sure whether if got summed up. You know, somebody with a torch or drove up the track at the night. It could be an intruder or it could be security. That's just something that.

00:42:08:08 - 00:42:48:04

Is a concern to us. So that needs to be sort of addressed if possible. And the other thing which hopefully it will be helpful to were Ms.. Browning. And that's obviously we're talking about this parcel of land behind our house. And I've mentioned this in my W, there's various fields within the Cottam solar project and would suggest that under the title of mitigation fields, such as a couple that I've mentioned, C 26 and C 28, just wondered if that was an option to move those fields from there.

00:42:49:21 - 00:43:03:24

A position in the scheme, i.e. they are just a field of grass. Would imagine that to remain that way to behind our home, and the solar panels that are behind our home could be moved to that mitigation field. It's just a.

00:43:06:08 - 00:43:25:02

Yeah, it's just an option that I thought. I've mentioned that w w whether these fields could be swapped over and then obviously generating capacity potentially wouldn't be affected, even though it would only be a small amount of generating capacity. So it's just something for Ms. Browne into consideration already. Thank you.

00:43:25:26 - 00:43:35:00

Thank you, Mr. Colton. This project, discussions with Mr. Skelton continue in not necessarily just in terms of compulsory acquisition, but in terms of the concerns that he has.

00:43:39:27 - 00:44:19:17

Uh, collaborate with the applicant. Obviously, as I mentioned, no property discussions are being held because there's no need for a property voluntary agreement, albeit that we've made a note of the points in relation to security. And as mentioned before, we will have a look at whether some further clarity can be added to the outline construction management plan in terms of both security measures, but notification so that Mr. Skelton is aware of what is proposed. And we have general provisions about community liaison officers, and it may well be something that forms part of their role in terms of giving indication of the work that's going to be carried out, albeit noting that Mr.

00:44:19:19 - 00:44:52:09

Skelton doesn't have exclusive use of that track in it is able to be used by others permitted by the landowner in terms of the buffer areas, and there isn't any further discussion going on because the applicant's position is that the design that is put forward is appropriate. And the reason it's not as simply a case of swapping fields over. They've been specifically selected for the reasons and as a result of the assessments that have been carried out, both from a landscape and visual, archaeological and ecology perspective.

00:44:52:27 - 00:45:03:01

As I said, we will have a. Another look. No give some more thought to the buffer area, but the applicant's position is based on the

00:45:04:23 - 00:45:17:23

assessment the buffer provided is sufficient. And obviously we've we've mentioned that the the. Benefits of the project in the planning balance would outweigh any impacts that are caused.

00:45:18:04 - 00:45:23:23

Yes, I think we're in the way again from compulsory acquisition issues now, but thank you for that.

00:45:26:04 - 00:45:38:06

Is there anyone else present who would like to raise any matters in respect of their interests in the land that's been proposed for compulsory acquisition or temporary possession? No, we did have Mr. White with us, but don't think he's here anymore.

00:45:39:24 - 00:45:40:18

Seven miles.

00:45:41:17 - 00:46:07:05

Okay, I'm moving on then to item five Statutory Undertakers, as Broderick received an update at deadline two on the status of negotiations. At that point, as I understand it, protected provisions had already been agreed with Great Britain Energy Park, West Burton Solar Park, the Canal and River Trust and Anglian Water Services and then discussions are ongoing with a number of the other statutory undertakers. Are there any further updates since deadline to.

00:46:09:18 - 00:46:32:27

Claire can only say that negotiations are continuing. We've been in correspondence with a number of the statutory undertakers since deadline, but there is no update in terms of agreement that has been reached with any of the outstanding parties. Howbeit, albeit that the applicant's position is still that we are confident that agreement will be reached prior to the end of the examination.

00:46:35:14 - 00:46:39:19

Thank you. And just a couple of queries on the compulsory acquisition schedule.

00:46:47:07 - 00:47:12:19

I think it indicates that for national grid, electricity transmission and electricity distribution, separate entities appreciate as well as northern power grid that discussions are ongoing. And just wanted to check is that discussions on protected provisions and the side agreement, or is it just discussions on the side agreement? It goes back to my point about whether or not protected provisions can be provided to the examination earlier on, rather than being held by

00:47:14:05 - 00:47:14:23

the applicant.

00:47:14:28 - 00:47:36:26

Those are primarily in relation to the detail of the side agreements. Protected provisions have already been included in the draft for the statutory undertakers that you mentioned, which are based on the standard protected provisions, each of those statutory undertakers. But it's the wordings of the side agreements that are still under discussion primarily.

00:47:37:12 - 00:47:44:09

So to all intents and purposes, that protect provisions that we have in the most recent version of the draft development consent order are agreed or thereabouts.

00:47:46:21 - 00:47:54:18

But if the applicant. See, I don't believe that the takers are on the call, but they would say those are agreed to subject to a side agreement.

00:47:54:20 - 00:48:04:00

Yes. Okay. Just wanted to make sure understood the position there. And in terms of EDF Energy Thermal Generation Limited, what's the position currently on protected provisions with that statutory undertaking.

00:48:07:07 - 00:48:39:26

So discussions are ongoing with in relation to protective provisions. My understanding is that they've been primarily being discussed in relation to the Gate Burton Energy Park project in the first instance, because they are ahead in the process and they're fairly advanced. And the intention is because we're talking about the shared cable corridor and the impacts are the same. The intention is that once they're agreed in relation to the Gate Burton project, then they would be agreed for the Cottam, this particular project as well.

00:48:40:01 - 00:48:41:15

And obviously the.

00:48:43:02 - 00:49:01:21

Her protective provisions are linked with are linked to the proposed change application, and so agreement with EDF would be partly dependent on the acceptance of the change application, which is obviously something that you will be deciding once you have the application documents submitted to you.

00:49:03:21 - 00:49:14:18

Thank you. And so presumably we'll have a bit more clarity on the position following the close of the year in early January. So by deadline four in our examination timetable.

00:49:16:18 - 00:49:21:28

Yes. That's correct. And if there's any update for deadline three then we will obviously provide it at that point as well.

00:49:22:00 - 00:49:38:07

Thank you. This is now an opportunity for any statutory undertakers present. Don't think we do have any present, but if we do, it is an opportunity for them to raise or expand on any concerns or objections. So does anyone wish to comment in their capacity as a statutory undertaker this afternoon?

00:49:41:18 - 00:50:07:02

Okay. Thank you very much. Moving on then, to item six, updates to the book of reference. Um, this project, I think it was part of our earlier discussion in terms of book of reference. There may be some updates as a result of the entry numbers that took you through on the compulsory acquisition schedule, and whether or not those plots are when you look at, again, going in or out. So if you could just keep us updated on that. I'm not aware that there's anything else that.

00:50:08:22 - 00:50:11:12

Anita to race under this item unless you have anything.

00:50:12:28 - 00:50:49:19

The applicant, only to say that the applicant's land references are reviewing the data that supports the book of reference to keep track of any changes that there might be, and to the extent that there are any changes for deadline three, then an update to the book of reference would be provided to reflect changes to the Land Registry information, for example, as a result of information that's directly provided to the applicant. As mentioned earlier, we're looking to make sure that we've described the rights that aviation have are correct.

00:50:49:21 - 00:51:11:05

And so there may be future updates to the book of reference in that respect as discussions continue. And there will be separately updates to the book of reference as part of the change application. And should that be accepted, then an updated book of reference would be part of the examination process.

00:51:11:24 - 00:51:17:04

Presumably to put any additional land in and remove any. No longer an easy land promise.

00:51:18:15 - 00:51:33:20

Uh, Claire Broderick, the applicant? Yes. That's correct. Um, one of the changes. Um, change number four relates to an alteration to the cable route corridor, which would necessitate the removal of some plots, as well as the addition of some new blocks.

00:51:34:26 - 00:51:50:19

And while we're on that point, if the addition and removal of plots, I understand that a deadline to or the most recent version of the land plans, new plots were created. Plot numbers 18.6365. But might have got that wrong. But that's as a result of.

00:51:52:13 - 00:51:57:03

The registration. It's not new land going in, and I just want to make sure that I understood that correctly.

00:51:58:04 - 00:52:17:10

Uh, yes. That's the result of titles being split at the Land Registry. And because a lot of the land plots are based on title boundaries and differences of ownership, the land plans and the book of reference were updated to reflect those changes. But there's no new land.



00:52:17:17 - 00:52:23:08

And presumably they've been carried through to the draft development consent order. I haven't checked, but I'm assuming that that would have happened as well.

00:52:24:06 - 00:52:52:04

That the applicant. Yes. The draft was updated to reflect that the. Statement of reasons has not yet been updated. And following the commencement of the examination, but it is being updated as part of the change application, and that update will include changes that have happened to plot numbers up to this point in time, plus the changes associated with the change application.

00:52:53:00 - 00:53:15:19

And understand why you hold off on that rather than making various updates and various versions. So thank you very much for that clarification. Are there any other matters then moving on to item seven that anyone would like to read in respect of compulsory acquisition or temporary possession? Yes. I'm sorry I haven't noted your name. If you could just introduce yourself. Good afternoon. Yes, my name is Tony Court for 7000 acres. Good afternoon. Mr..

00:53:16:10 - 00:53:21:06

I would like to ask a question with regard to the book of reference. Certainly.

00:53:21:22 - 00:53:25:14

You might want to bear with me for a moment while bring it up, because if need to go to it.

00:53:30:20 - 00:53:31:13

Yes. Have it.

00:53:32:24 - 00:53:35:02

Um, my first question is, could the applicant.

00:53:35:04 - 00:53:42:09

Please confirm who the owner of plot ten 241 is.

00:53:42:25 - 00:53:44:00

As per reference.

00:53:44:02 - 00:53:45:06

In the book of reference.

00:53:45:15 - 00:53:46:03

Mr. court.

00:53:46:05 - 00:53:57:10

Generally, we don't allow cross questioning of the applicant at these hearings. Let me just go to that. I understand that, sir. But, Ms.. Broderick, do you have any objection to responding to that question? Any concerns?

00:53:59:21 - 00:54:02:28

It was ten 241241.

00:54:04:09 - 00:54:12:24

No. Believe we have responded to the point which anticipate is going to be made in writing, but I'm happy to repeat that if you can.

00:54:12:26 - 00:54:16:05

Bear with me just to get to that. 241. Did you say Mr. Cord?

00:54:26:10 - 00:54:32:27

Yes. And what's the point that you're getting at? So fully understand. My question, sir, is.

00:54:32:29 - 00:54:33:15

Regard to.

00:54:33:17 - 00:54:34:02

The.

00:54:35:02 - 00:54:37:13

Actual reference to the owner.

00:54:37:22 - 00:54:40:03

Of that particular plot of land.

00:54:40:07 - 00:54:41:10

To Hillside Limited.

00:54:44:23 - 00:54:49:01

Which I believe according to your book of reference, is two sided. Limited.

00:54:49:03 - 00:54:55:09

Yes, yes. See that? Are you saying tilted limited don't on the plot? Is that the implication of your question? That's the implication, sir.

00:54:55:14 - 00:55:02:22

According to the Land Registry this week, there was no reference to Side Limited with regard to that plot of land.

00:55:04:01 - 00:55:04:17

This project

00:55:06:06 - 00:55:38:18

cloud project for the applicant as we responded in writing earlier, and I'll provide the reference in the written summary. That's because there is a pending change to the title to Hillside Limited have acquired this land from the previous owners. The applicants had sight with that information and that transfer. It's just the Land registry has not yet been updated. But if you were to make inquiries, you would see that there is a pending update or pending registration to the title.

00:55:39:06 - 00:55:47:07

The applicant is confident that the new owners are limited based on the evidence that's been provided with this project.

00:55:47:19 - 00:55:57:23

These things do happen. Think the Land registry, as much as they try to keep everything up to date, it's not. It's not necessarily done as quickly as they themselves may like at times.

00:55:58:11 - 00:56:19:23

Just as a point though. So the sale of that land according to the information that the applicant has provided, was two years ago, according to the land registry information. The adjustment to that application was in May 2022.

00:56:22:14 - 00:56:43:21

There is no reason why. The new owner has not registered that land, because my concern is that it also occurs in 41 other instances of cotton, one land which is over 1150 acres of land that you're talking about.

00:56:44:22 - 00:56:50:14

Now, is that good? Is that in terms of the same owner, is it all know it?

00:56:50:20 - 00:57:30:02

I don't know, I am not aware of why the new owner has not registered the land. The Land Registry has not been able to provide me with any reason, apart from. They are waiting for confirmation from the new owner. Now, if the applicant can confirm, and I believe they should be able to show you the sales document, they're not going to show it to me. I'm sure. But my concern is that you have a book of reference which is containing information which is not legal.

00:57:31:13 - 00:57:33:21

So you should not be publishing it.

00:57:35:27 - 00:57:48:02

It goes further than that, because your statement of reasons also identifies that it has a option agreement with this new owner.

00:57:49:20 - 00:57:58:05

Now tilt tilt so limited that two. Yes. And think 7000 acres have made that point in their written representations. Well, think the Africans have responded to it.

00:57:58:07 - 00:58:35:05

I've asked the question and you've responded, and you've told me that the ownership, the option agreement automatically transfers to the new owner, Tulsa Limited. Now, I'm not a solicitor, I'm not involved in legal things. But I do have a friend called. I so asked the question of I and they confirmed to me that the ownership does not transfer automatically. If it is sold, they have to have a new option agreement with two side limited signed by two side.

00:58:36:06 - 00:58:50:23

No. So all I'm saying to you is, I believe your book of reference and your statement of reasons are inaccurate. You need to get them corrected, and they are legal documents that you are obliged to get correct.

00:58:52:03 - 00:59:04:11

Thank you. Yes. I think there are two separate points there. The first one in relation to the book of reference. I do appreciate that it should be as up to date as possible. And I think that, as I understand, is what the applicant has sought to do. And.

00:59:06:20 - 00:59:39:12

In terms of compulsory acquisition. If there was a owner coming forward and saying, for example, plot two for one is in my ownership, it's not until sales ownership, then think that might be something that as an examining authority, we may need to take up with the applicant. But as far as I can see at

the moment, this is the applicant is undertaking diligent enquiries to establish the ownership of those plots and unless there is evidence to the contrary, I would be minded to accept it as it currently stands. In terms of the second point, in terms of the option agreement.

00:59:41:00 - 00:59:52:06

Sure, we've all used data at various points, but it does come with numerous caveats. And my understanding is that option agreements do pass with the land. Ms.. Broderick, is there anything that you want to come back on?

00:59:54:00 - 01:00:14:00

The. Yes. Just to add that there are many reasons why it takes a long time to register the transfer of land, particularly where the requesting land registry is free to request further information, and it can take several years in some cases for transfers to be formally registered and the official copies.

01:00:16:03 - 01:00:52:07

Updated and that information, the reasons why there is a pending application are not publicly available, and we have been provided with information directly from the landowner. And the applicant is confident that the option agreement that he entered into with the previous landowners is binding until side limited. We'd also note that Hillside Limited have not participated or raised any objections in relation to the examination. That would cause you to have any concern about the way that we've represented both their land interests and the agreement that we have with them.

01:00:52:24 - 01:01:02:09

And I suppose they also appreciate this project, that it wouldn't be in the applicant's interest to provide a book of reference that wasn't up to date, because that in itself would create further issues for you.

01:01:04:15 - 01:01:06:10

How about you, the applicant? Yes. That's correct. There are.

01:01:08:23 - 01:01:27:26

The regulations specify the information that needs to be included, and the applicant has appointed qualified land references to put the book of reference together, and we're confident that it represents the most up to date information based on our diligent enquiries, which is the statutory test that we need to comply with.

01:01:28:12 - 01:01:31:16

Thank you, Mr. Court. Does that answer your questions?

01:01:35:12 - 01:01:35:27

I think.

01:01:37:15 - 01:02:11:25

Hear what you're telling me. I understand your position, sir. But if I was you, I would seek guidance and information from the owner. They actually are the owner. Because it's your reputation and it's your presentation to the Secretary of State that you will ultimately be making. And if it contains information that is not accurate at the time.

01:02:12:18 - 01:02:14:12

And that's your responsibility.

01:02:15:22 - 01:02:20:01

Thank you, Mr. Court. Does anyone else have anything they'd like to add at this point?

01:02:23:08 - 01:02:56:15

Well, that completes our discussion in terms of compulsory acquisition matters. And as ever, if you've spoken today, please could you provide a written version of your submissions by deadline three, which is the 19th of December, according to the hearing, will be published on the National Infrastructure website as soon as possible after the hearing. I think based on the last few hearings, they are going up quite quickly. So those of you who do wish to see it might find it'll be up sooner rather than later. And finally, I'd just like to thank you all for your participation and remind you that there is an open floor hearing planned for this evening, and will be aiming to start around about 530.

01:02:57:00 - 01:03:04:00

It's now 3:45, coming up to 3:45, and this hearing is now closed. Thank you.