



Trawsgrifiad Gwrandawriad

Prosiect:	Fferm Wynt Alltraeth Mona
Grandawriad:	Gwrandawriad Caffael Gorfodol 1 (CAH1) – Rhan 2
Dyddiad:	17 Hydref 2024

Sylwer: Bwriad y ddogfen hon yw i gynorthwyo Partion â Buddiant, nid yw'n air am air.

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Hearing Transcript

Project:	Mona Offshore Wind Farm
Hearing:	Compulsory Acquisition Hearing 1 (CAH1) – Part 2
Date:	17 October 2024

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00:00:05:01 - 00:01:03:11

Thank you. It's just turned 11:10. Can and Will will resume the proceedings. Um, I can see that the live stream has resumed. And can I just check that the recording has resumed as well? Thank you. Thank you very much. So then, looking at site specific issues for the applicant, uh, under agenda item four. I'm aware from the applicant's submissions that it is actively involved in discussions to try and secure the rights it needs through voluntary agreements, and it will be helpful to get a general update on, um, three matters how the discussions are progressing, the current expected deadlines for conclusion, and I appreciate that would be more a ballpark Overview, then an update on individual negotiations.

00:01:03:17 - 00:01:36:09

And finally, given the number of plots involved, any specific issues where there's a recurrent problem in moving towards voluntary agreement just by way of couching it. And it was the the the point missed on that I my ears perked up with interest because I had looked at the latest, latest iteration of the land rights tracker. That's rep 303. And of the 37 entries, heads of terms at that stage had been agreed with three apiece.

00:01:36:11 - 00:01:42:28

So, um, I certainly be interested to hear her thus progressed. So I'll hand over to the applicant. Thank you.

00:01:44:14 - 00:02:20:14

Uh, Ellie Dakin, on behalf of the applicant, um, Daniel McLaren, on behalf of the applicant, have been seeking engagement with the affected parties and the associated land interests since March 2022. We have consulted with parties through non-statutory consultation in 2022 and further through statutory consultation in 2023. Alongside this, on behalf of the applicant, have continued individual engagement through meetings relating to the schemes, development surveys and subsequent intrusive survey work to aid the design and latterly through voluntary negotiations for the rights to be required.

00:02:21:12 - 00:02:58:24

The position as to the status of negotiation for the rights by voluntary agreement is included within the Land Rights Tracker. As you've set out, where an update on the negotiations with landowners, occupiers and statutory undertakers has been provided at each deadline since the submission of the latest Land Rights tracker at deadline three document reference rep 3076. There has been further progression on the voluntary agreements. To date, we have agreed 26 sets of heads of terms for the

onshore cable, easement and hedgerow enhancement works, which, as referenced earlier, represents 67% of landowners and 72% of the cable corridor.

00:02:59:11 - 00:03:41:24

The applicant considers that the negotiations are at advanced stages with the majority of the landowners, and we would expect to have secured heads of terms with a number of additional parties by the end of the examination period. With those landowners and occupiers, when negotiations are less advanced, the applicant will continue to engage with the affected parties and the representatives beyond the end of the examination period, with a view to resolving the outstanding points of difference. As of this morning, a meeting with the estate, the executors of the late Watkin Williams Wynn, has been arranged for the 11th of November, and the applicant is looking forward to progressing voluntary matters during this meeting for the substation and associated cable corridor.

00:03:42:10 - 00:03:51:27

We are confident that we will make good progress on the heads of terms that are outstanding and we will continue to provide, continue to provide updates at the deadlines in the Land Rights Tracker.

00:03:55:06 - 00:04:29:25

That's heartening to hear. Um. Thank you. Um, it's particularly encouraging to hear that there's progress. Quite substantial progress has been made since submission of the last land rights tracker. Um, so, so thank you for that. That's that's a very positive note. Um, the AXA had asked a number of written questions on specific compulsory acquisition, temporary possession matters, and we're aware of the associated submissions. There's a point of clarification that I did want to address in advance of agenda item five.

00:04:30:04 - 00:04:33:25

Um, and it's a point that recurs in the Land Tracker.

00:04:36:04 - 00:05:18:27

In the land rights tracker, you refer to the lag. And just for the avoidance of doubt, because there there may be people here today, uh, watching or watching online who aren't involved with that particular forum. And just to set the context of what that stands for place. So what what? There's a just a number of questions. Um, what it stands for. Who are the members? What form does the engagement with the group take? Are you communicating with his members face to face? Um, so maybe if I ask you just to address those initial points, please.

00:05:20:19 - 00:05:51:00

Ellie deacon, on behalf of the applicant. Um, a lag known as a lag as a land agent group. Um, and this was formed at the start of 2024, uh, with a representative from the National Farmers Union. Louise, who's on the call? Um, this group includes six land agents representing 16 landowners, of which is 36% of the cable corridor. Um, the applicant's land agents have been negotiating the heads of terms through this forum with those members who wish to be part of it.

00:05:51:02 - 00:06:19:10

We understand that Louise met and, um, kind of formed the group. So in terms of reaching out to get the members of that group. Um, and during that time and through the course of the year, there's been a

number of meetings. Uh, the first were held in January and February, where we talked about heads of terms and negotiations. Um, and they've continued through teams forums, um, meetings and face to face if required. Um,

00:06:20:29 - 00:06:31:12

the heads of terms have been progressed, and I think we're in a position now where the the template terms have been agreed for voluntary agreements, uh, for the majority of that group.

00:06:34:07 - 00:06:51:00

So it sounds mistaken. It's not just a case that you're primarily reliant on, say, I'm a male shot and, um, that less personalized form of contact and correspondence with the affected parties that it is more hands on.

00:06:52:23 - 00:07:19:07

The discussions today have always been very personal with the group, but then also making sure that the landowners have been, um, updated on the on the discussions today and have been represented through their agents and where it's been required. We've met with the landowners and their agent if they have been appointed, sort of, um, included in that land group, um, so that the site specific issues have been addressed.

00:07:21:12 - 00:07:38:18

Thank you for that. And I'm sure that we'll hear from, um, Miss Staples and individual members, no doubt will may come on to the next agenda item, but is there anything that you specifically want to draw the examining authority's attention to under this agenda item?

00:07:44:14 - 00:08:15:15

At Lasdun, on behalf of the applicant, um, I'm going to cut across everybody else here. I am interested in your question just now regarding, um, whether the contact had just been by mail shot or letter. It couldn't be further from that. Um, in terms of the work that, um, I'm not talking about, which I'm talking about the team here that actually have been on the ground, um, talking to the landowners, seeking meetings with landowners, um, and, and really trying to engage to reach those, uh, those voluntary agreements.

00:08:15:17 - 00:08:54:03

So I don't want to spare anybody's blushes here. And I'm sure, you know, there's always more that can be done, but a huge amount has been done to engage with the relevant land interests on a personal, face to face basis, either individually with the landowners, or if they're represented by agents through those agents, or indeed through the, uh, the um, land agents group. And just just one more point on the land agents group. The reason they get set up is, is often to ensure consistency, uh, with, with different agents because where you have a linear project with multiple landowners, you can get quite different approaches.

00:08:54:06 - 00:09:26:22

And some some landowners will be represented, some won't. Um, and actually it's a I think it's a useful forum from both sides to be able to, uh, seek consistency in terms of the approach that has been taken to those voluntary negotiations, to the negotiations on heads of terms and option agreements.

Um, but also ensuring that, um, that, that, that people don't fall through the, through the cracks in terms of, of, you know, the ability to engage there. So I think it is a it is generally a very positive thing.

00:09:30:28 - 00:09:38:00

Um, Tom Harrison, on behalf of the applicant, it's worth just saying that there's only three outstanding hazard terms, um, as part of that land agent group.

00:09:41:23 - 00:10:09:04

I think it was the, um, the state of play in the latest land rights tracker that that precipitated that concern on my behalf, to see whether there was any, um, more hands on engagement that could be instigated just to, to, um, increase the successful conclusion of negotiations. But it sounds certainly as if you're very mindful of that. So thank you.

00:10:17:12 - 00:10:40:07

I'm going to unless the applicant is anything else to add, I'm going to move on to agenda item five and look from the the opposite end of the spectrum at the the site specific representations that have been made by affected parties. Um the running order for um.

00:10:42:12 - 00:11:14:06

For for hearing from affected parties. I've simply determined it by when you let the case team know of your wish to participate today. And also taking account of requests by one of the representatives to join us later. Um, and the nephew, I think not. Not only were were they last to, um, advise us that they were participating today, but I think it would be really, really useful to.

00:11:14:14 - 00:11:44:22

It's actually serendipitous to have them last so they can sweep up on behalf of members on the the league on any points that haven't been touched. But of course, that that's not to preclude them on behalf of their members from, um, assisting at, uh, interim stages. So could I just say to you for there's a couple of considerations that we've taken on board here for the sake of fairness and equity to all participants.

00:11:45:05 - 00:12:31:23

Given that the examination is mainly a written process that the examining authority has read your written submissions to date, um, that there is a scope for further compulsory acquisition hearing in December, if requested, that affected parties and those speaking on their behalf. It would be very helpful if you could focus on the main points that you feel would benefit from airing in this public forum. It would be useful from the X perspective, if the discussion could advance understanding of points of disagreement or concern, rather than just repeat what's already been committed to writing and included in the examination library.

00:12:32:13 - 00:13:04:07

Now, at this stage, and moreover, as as I had planned for more participants than are actually present with us today, I haven't apportioned a set time for each to make their contribution and ask them as a just a ballpark to to aim for approximately 30 minutes. I won't be timing you or, um, implementing

that in any draconian fashion. And that would allow for the applicant's response and any follow up questions that I or my colleagues might have.

00:13:06:10 - 00:13:12:20

Does anyone have any questions about the proposed structure of discussion on this agenda? Item five.

00:13:14:22 - 00:13:34:09

Can't see any indication, so I'll progress. So, um, Miss Griffiths, on behalf of GL Evans and Sons, um, you're with us on the call. You work for first in the running order. Good morning.

00:13:34:19 - 00:13:35:07

Morning.

00:13:35:16 - 00:14:16:18

I'm just going to set the context, Miss Griffiths, for for your client submissions. To date, we've had a relevant representation that was or or zero 24 on behalf of your clients. It didn't raise any site specific concerns or specific objection to the proposed development, but since that there was a submission at deadline two that set out your client's concerns and detail that was wrapped to 103 and it was supplemented by a statement on their behalf from Promoter International, which is Rep 2095 that the applicant did respond to at the last deadline, and that was Rep 3041.

00:14:17:03 - 00:14:51:08

That response crossed over with yours to the examining authority's first written questions. That was rep 3099. The applicant will doubtlessly address those at deadline for your clients. Hosted the examining authorities accompanied site inspection to their farm on Tuesday, which is appreciated and was very helpful. I'd like to just start with two points of clarification before I hand over to you and maybe, Mr.

00:14:51:10 - 00:15:25:09

Griffin, maybe you could assist in this respect. Um, Miss Griffiths, he had helpfully appended a plan to your deadline three submission, and I'd be grateful if the applicant could show that on screen. It's the one, Mr. Griffin. Bulworth with pink wash with a blue line through it. I'll just keep it on screen for a minute or two while I make my point. It was, said, Miss Griffiths, that the plan highlights the extent of the land that's owned and farmed by your clients, and that that was shaded pink on the plan.

00:15:25:18 - 00:15:47:15

Now, for the absolute avoidance of doubt rather than than me being pedantic. The blue strip shows the order limits for the proposed development as shown on the land plan onshore. That's Rep 1004. Am I right in saying that it is both the pink and blue areas that your clients farm?

00:15:48:06 - 00:15:49:12

Yes. That's correct.

00:15:49:23 - 00:16:00:13

Great, thanks, Mr. Griffiths. As I say, it's just. Just for absolute avoidance of doubt. Mr. Griffin, I think you can take that down. Thank you.

00:16:02:27 - 00:16:03:17

Um,

00:16:05:04 - 00:16:37:12

and, Mr. Griffiths, from my understanding of the the land plan that we've just had a look at your client's land that may be subject to the proposed development is being sought for temporary occupation and use and acquisition of permanent rights. Now, when you notified our case team of your participation today, you said that you wanted to address the impact of the proposed scheme and the permanent rights sought in land, in particular the area of land that's been sought on a temporary basis for construction.

00:16:37:28 - 00:17:03:21

Could I just get you. Sorry, Mr. Griffin. I did speak too early. If you could let us know what area of land you're concerned with in referring to that sort on a temporary basis for construction. Um, is it the entirety of the blue wash area on your submitted plan? Is it a more discrete area, or could you assist us in not.

00:17:04:22 - 00:17:05:08

Uh, Susie.

00:17:05:18 - 00:17:34:22

J Balvin price um, the area, uh, as referred to in my written submissions and first reply questions, uh, relates to, uh, a 25.4 hectare area that, as a result of the scheme being the temporary, um, rights taken over the blue area, it also includes in that figure areas that would be severed and would be unviable for use during the construction of the scheme.

00:17:38:03 - 00:17:56:00

Since the entirety of the blue wash area. Just again as a preliminary point, for avoidance of doubt that you were referring to when you said that you were going to join us today to speak. Is that correct? Yes. Okay. Thanks very much for that. Mr. Griffin, you can take that down. Thank you.

00:17:58:03 - 00:18:16:11

This group is, um, mindful of the discussion that we had under agenda item three about the more general points about the acquisition of rights and perpetuity, etc.. I'll hand over to you, and please go ahead with whatever further points that you want to make here today. Thank you.

00:18:17:12 - 00:18:52:24

Thank you. Susie Griffiths, JB and price. Um, I firstly I'll refer you to our written submissions and first polite questions and then the contents which contain there and give the full reasons, uh, for Met my representation today. Uh, yeah. These highlight the proposal and take, uh, and result in a catastrophic effect on my client's farming business, which will result in the sale of 105 dairy cows out of a total of 340 head. Uh, in recent weeks, we have held further discussions with the applicant and their agents.

00:18:53:03 - 00:19:29:07

Progress has been made, but we've not been able to agree a solution. In summary, um, the applicant has agreed to direct drill a minimum length of 650m out of a 950 meter stretch. However, within the 650 meter direct drill, we require a commitment from the project to drill in length a specific stretch of 450m, which is critical to the viability of the grazing platform to keep and keep a clean and open grazing platform.

00:19:29:12 - 00:19:39:27

My clients consider that this is vital in order for them to continue farming the way they have done for many years and protect the investment they have put into the farm.

00:19:45:04 - 00:20:19:12

It's it's heartening to hear that that progress has been made, because one of my questions to you was what the applicant had said about the status of negotiation in their, um, land rights tracker that it was hoped that a meeting would be held. So it's heartening to know that it took place and that there was some productivity as a result. So thank you for that. Can I hand over to the applicant? Is there anything that they want to say in response to the points made by Miss Griffiths?

00:20:22:13 - 00:20:38:22

Yeah. Tom Harrison, the applicant. Um, that is right. We are in advanced negotiation Stages, um, with, uh, Mr. Evans, um, on his terms. Um, and, uh, we hope that we can reach an agreement in the coming weeks and months.

00:20:46:05 - 00:20:58:19

Thank you for that. From the applicant's perspective, Miss Griffiths, before I hand over to Miss Staples, is there anything that that you want to add, or are you content for me to hear from the NFU?

00:21:01:08 - 00:21:16:16

Susie Griffiths, JB rice I just like to emphasize and confirm how critical that 415m, uh, of length of drill uh, is to my clients uh, dairy farming enterprise.

00:21:18:26 - 00:21:35:09

Thank you, Miss Griffiths. That certainly is a theme. That is a message that came out loud and clear from your written submission, so please be assured of that. Thank you. The staples. Do you want to speak, please?

00:21:36:03 - 00:22:07:21

Thank you. It's Louise Staples for the NFU. Um, I would just like to reinforce, uh, what Susie Griffiths is saying. Uh, because this is actually an NFU member as well who's impacted, um, what? We've been trying to agree with the applicant, and we are grateful for where we've got to. Um, but as Susie Griffiths has said, there's just this certain area due to if that is open, trenched, we'll have a big impact on the dairy enterprise.

00:22:08:14 - 00:22:38:25

And because it's their grazing area and it's the area where they move cows the most. So that is why the request has been made that can that specific area be direct drilled. And at the minute, that is what we can't get agreed with the applicant. So we have got them to agree that they will direct drill 650m, but

they won't tell us exactly where that will be. And we've obviously highlighted this certain stretch of 450m.

00:22:38:27 - 00:22:47:23

And that is what the critical length is. And there's a critical area for that to be carried out. So that is still what we are seeking from the applicant. Thank you.

00:22:48:18 - 00:22:57:05

Thanks. Mr. Balls, from that that update on your member's behalf. Can I hand over to the applicant if there's anything that they want to add?

00:23:07:10 - 00:23:29:27

Any taken on behalf of the applicant? Um, as has been set out, we are in negotiation about this point, which was raised earlier this week for the specific section. Um, the project does require flexibility, um, in detailed design, um, which we will consider, but at this point we will continue to negotiate with Louise and Susie on the points.

00:23:32:04 - 00:23:51:20

Well, I certainly look forward to an update at the, um, deadline for and and and hope that those negotiations can bear fruit. Can I move on, Miss Griffiths, from your submissions on the evidence, or is there anything that you want to say before you leave us?

00:23:56:15 - 00:23:58:10

Thank you. Uh, happy for you to move on.

00:24:00:24 - 00:24:36:00

Okay. Thanks very much indeed. Well, I'll move on then, to the next on the list, which is the executors of the late Sir David Watkin Williams, Wyn Beattie, that I refer to as the Cefn estate. And again, just by way of setting the context, the examining authority is familiar with the relevant representation that was submitted on behalf of the estate that was or or 082 and your deadline three submission rep 117.

00:24:36:02 - 00:24:58:22

In response to five of the examining authority's first written questions. As I said before, no doubt we will have the applicant's response to those at the next deadline. Um, Miss Jones, are you the primary representative that I should this morning?

00:25:17:04 - 00:25:20:28

Who from the estate wants to assist me in a question.

00:25:27:10 - 00:25:31:29

And I'm representing the Williams win state okay.

00:25:32:06 - 00:25:36:24

This week. Sorry. So I went off.

00:25:36:26 - 00:25:37:11

Because I wasn't.

00:25:37:13 - 00:25:40:12

Sure where you were asking a different person, but, um. Sorry.

00:25:40:14 - 00:26:16:29

You're you're okay. I, I had I had noted at the outset that it was as Miss Jones, so the confusion was entirely down to me for the sake of context. Um, is it correct to say that the caffeine estates land with which you're concerned is primarily, but not exclusively tenanted by masters own that we will hear from Mr. Bibby on behalf of later? Or is that understanding right, partially right or way off the mark I hand over to you?

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

I'm not aware that he's attending. Um, but I'm. I'm here for the freeholder. Um, but, uh, they do.

00:26:24:26 - 00:26:25:16

Occupy

00:26:27:09 - 00:26:31:25

is sorry. It was tenanted rather than attending.

00:26:32:07 - 00:26:34:22

Sorry. I didn't hear what you were. Sorry. Sorry.

00:26:34:24 - 00:26:35:16

That's okay.

00:26:37:20 - 00:26:38:19

Louise, you've got your hand.

00:26:39:16 - 00:26:45:27

Miss staples can hopefully just assist again. Just by way of of setting the context, Miss Staples.

00:26:46:14 - 00:26:59:02

Thank you, Louise Staples for the NFU. Yes, I can confirm that Mr. Bibby will be attending later. And yeah, we were then wanting just to raise a few issues on behalf of the the tenant who's the occupier for that for that area.

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

That's that's great. Thank you. Yes I've, I've reserved my questions for, for Mr. Bibby until later. Thank you.

00:27:06:28 - 00:27:07:13

Thank you.

00:27:12:14 - 00:27:22:17

Sir. Miss Wickham, do you want to, as I said, the context that we're familiar with the submissions to date, so please go ahead and have your say on what you want to put before us this morning.

00:27:22:19 - 00:27:55:00

Yeah. Good morning. Um, my name is Selina Wacom. I'm a chartered surveyor. I, um, I'm representing the Williams Win estate this morning. Um, it was supposed to be my colleague at sample who has been who has led all negotiations to date with um, D'alcool McLaren. Um, unfortunately, he is attending a funeral. Um, which he would he did make, um, everyone aware of, um, but unfortunately it today was still went ahead. So I'm, I'm representing the estate today on his behalf.

00:27:55:17 - 00:28:29:12

Um, just to give you some, um, things I've taken from this morning. Um, I note that, um, that Dale McLaren have stated as a meeting day to day, 11th of November, 2024. Um, this is provisional at this moment in time. And it is. It's not set in stone, and we've only been approached for this meeting this morning just to make that clear. Um, there I note that, um, the applicant has stated this three outstanding heads of terms to be, um, set.

00:28:29:24 - 00:29:02:04

This is quite a significant one, which I am going to be talking about today. Um, they are they will effectively, in my opinion, the most impacted landowner along the route. And um, I in my opinion, there hasn't been appropriate, um, and meaningful engagement throughout. But I'll go into that further in my presentation today. So, um, just to give you an introduction, the there's 137 acres, 55 hectares included within the option area for this landowner alone.

00:29:02:20 - 00:29:33:23

Um, and this is confirmed within um, heads of terms that have been sent to the landowner. Of these 20 acres is proposed as permanent operational land, with a further 37 acres proposed to be acquired as non-operational land. Um, I understand this is to be freehold ownership with a reduced rate per acre applied to the non non operation land, even though they want to acquire that on a freehold basis. Um, and just to give you an overview of the estate, my client owns um circa 3000 acres.

00:29:33:25 - 00:30:14:24

Um, it's a Welsh generational estate and has been farmed by the same tenant, um, for three generations. In November 2023 and 40, the owner of the estate. And Mr. late David. What what can Williams win? Sadly passed away less than three months before the DCO was submitted. Um, two months after his death, the applicant issued option plans and heads of terms to to the executor of the estate. Um, and I deem this to be unreasonable to expect a family in mourning before probate has been granted, to enter practical negotiations for what I consider to be the most impacted area of land along this route, that being the substation agreement.

00:30:16:07 - 00:30:48:07

So today I'm going to talk to you about why I consider compulsory acquisition powers to be, um, extreme and should not be granted in this instance. And I reflect this under three key points. One, there's been a lack of meaningful negotiation and engagement, which, um, we can evidence

appropriately. Um, proportionality is a key point that I want to get over, um, to the Planning Inspectorate today. The applicant is applying for a disproportionate amount of land, in my opinion.

00:30:48:09 - 00:30:56:24

And not only that, it's a freehold acquisition, which I, from everything I've reviewed today and based on my own experience, seems very unjustified.

00:30:59:17 - 00:31:31:10

Um, and further, my third point is there is a lack of information, um, that has been provided to date, given the scale of the development, um, and the mitigation planning, including the Elvia studies. I think more collaboration is required here. So to just, um, go into these three points in a bit more detail, the lack of negotiation point, the applicant, in my opinion, has not shown true effort to reach a voluntary agreement. There is no evidence to demonstrate reasonable endeavours in the context of the DCO.

00:31:31:12 - 00:32:03:00

The substation is the only above ground infrastructure and as such, arguably the most essential piece of the project where a voluntary agreement is required. And from experience again, developers for other projects generally prioritize these agreements as they are the most controversial given the diminution in value that's. Um, from my experience, it's given on the basis of a substation site. In addition, as I will go on to summarize later, there have been unreasonable timescales between DCO application and heads of terms being sent out.

00:32:03:17 - 00:32:15:09

These timescales are not appropriate for the vital discussions with the proposed substation landowner and indicate that the project has been rushed and not approached in a sincere. Pragmatic and an appropriate way.

00:32:21:06 - 00:32:35:26

Thirdly, I want to highlight the issues of scale and freehold powers. I draw your attention to page 84 on um on the outline Landscape and Ecology Management plan. I don't know if we can get that up.

00:32:39:10 - 00:33:15:00

This week. I'd rather hear what your submission is first. Um, and we didn't have prior notification that you wanted to speak on that today. Who said that? They wanted to speak on an I, of course, would have had it to hand. Um, can you maybe just make your point? Because I do want to be sure that we're not straying out of the remit of the compulsory acquisition hearing and into issues specific with regard to to mitigation. So if you could have your say and then we'll, we'll, we'll I've made the a note of the reference.

00:33:15:02 - 00:33:24:05

And if we really feel that we need to um, to show it, I'll ask the applicant, her sister. So please go ahead.

00:33:26:01 - 00:33:56:25

Okay. So, um, just to focus on the three points. So lack of meaningful negotiation and engagement. Um, I've gone into that. Proportionality is, um, a big one that I want to sort of really pushing to today because I want to sort of get across the fact that there's a very, very big area of land, 137 acres is required. Um, and the applicant, um, maintains that they've requested meetings to talk about this.

00:33:56:29 - 00:34:05:11

I argue the negotiation should have been considered in three phases based on this, and that should have been site selection, input into design and heads of terms negotiations.

00:34:09:08 - 00:34:13:00

Um, just, um. One second. I'm just going down. What? I've my notes.

00:34:17:14 - 00:34:47:23

So just focusing on site selection. As time progressed, the landowner, who has increasingly was frail at the time, became resigned to and somewhat overwhelmed by the fact that the development was going ahead on the 7th of October, 2022. The applicant provided an option location plan. Um, the date of the plan issue was 11th of August, 2022. This was therefore only provided after the commencement of the public consultation on the 4th of November 22. Um.

00:34:47:25 - 00:35:19:15

A meeting was requested with the estate. Um, I'm not aware that that meeting went ahead. On the 27th of January, 2023, a letter received outlining locations two and seven were preferred for the substation. On the 10th of February, Through 2023, the estate requested proper reasoning and justification for the selection. Why the estates was considered more desirable when compared to neighbouring sites. A response was received from L.A. at the 20th of February 2020 with minimal detail, and it was very high level.

00:35:20:04 - 00:35:32:15

My client has been consistent in their desire to understand the layout, scale and aesthetics of the substation, and this has been made clear in an email from Ed's sample to Harry Stubbs of DM on the 17th of November, 2023.

00:35:34:19 - 00:36:08:21

I then go into obviously, the input into design. Um, my clients feel that they have had very little input into that design. Um, and they've had no meaningful conversations or detail to justify any, um, contribution to that design. And from what I can gather from the information I have to date, we have nothing, um, to sort of give us an idea of what that design is. hence why it's not clear based on the, um, level of land that's been asked for.

00:36:09:00 - 00:36:17:24

Um, I'm told by colleagues yesterday that during the hearing yesterday that though that it's still not clear on the amount of land that's required for this site.

00:36:22:10 - 00:36:57:18

Heads of terms negotiations. Now, we've we've not had meaningful heads of terms negotiations. We were sent heads of terms on that were a typical template I consider on the 10th of February 2024. Um,

and this can be provided as evidence. But there was more detailed mitigation plans were not detailed, mitigation plans were not provided. Um, and nor were they um submitted. And the sorry, I'm just reading from a script paper and submitted.

00:36:57:24 - 00:37:35:18

Yeah. So we just don't have any appropriate mitigation plans to be linked to the level of land that's, um, taken. We consider this to be extremely unreasonable. I also want to draw, um, the Planning inspectorate, um, attention to the fact that my client does act reasonably and has been impacted before. Um, he's been historically. He has historically negotiated three additional substation agreements on their land. Um, these were agreed by mutual consent under appropriate lease terms with reflective capital payments, none of which have been discussed during, um, these early negotiations.

00:37:36:00 - 00:37:41:26

My client is familiar with energy operates the negotiation process to reach voluntary agreements.

00:37:43:13 - 00:38:16:29

Um, and I also note that, um, the applicant's lead valuer has was involved in one of those substations and the negotiations with the landowner previously. So I'm surprised at the level of and lack of detail that's been provided to date today and why that hasn't been put in place. Now my client is open and reasonable and doesn't want to cause problem to the applicant. However, there needs to be appropriate engagement, appropriate information given the scale that has that the that they intend to do on my client's land.

00:38:18:07 - 00:38:50:02

So to conclude, to summarize, my client received meaningful plans showing the substation proposals via a link in a letter from Harry Stubbs on the 26th of March, 2024, after the DCO had been submitted. My client therefore received plans at a date when they were no longer able to input into or shape the designs of the layout or micro siting to that point. I note the applicant has stated that they have negotiated agreements with 67% of the landowners along the route. I've taken that from Lisburn this morning. I don't think this reflects a true picture.

00:38:50:04 - 00:39:27:08

When you review agreements alongside the proportion of the land taken here, I'm alarmed that more that has not been provided considering the scale of land required for my cup from my client, my client was only given something tangible to negotiate on the heads of terms. That is. Um. Early this year, five working days after the DCO was submitted, in three months after the owner of the estate passed away. Um, I don't want to detail all the terms request in this hearing, but I want to stress that freehold acquisition rights are not desired by my client, and there is no evidence that I've reviewed to date that could prevent leasehold rights being implemented for the substation site.

00:39:28:00 - 00:39:59:11

Um, and we we are open to continue to have those conversations with the applicant. Um, we're not we're not opposed to that. What we want is some reasonable and appropriate information and negotiations to, to be implemented. Um, in my view, um, and I have come into this late, um, I feel that

the developer has acted extremely unreasonable. Unreasonable considering the estate has not yet been granted probate. providing further legitimate challenges to meaningful negotiation.

00:39:59:13 - 00:40:16:22

Because ultimately, when it's in probate, we they don't have the power to really negotiate appropriately. And I think there should have been some sensitivities around that. Sorry for me going off pace there. Um, I have come I am representing Ed today, so I am reading from his script. So I do apologize

00:40:18:20 - 00:40:19:05

this week.

00:40:19:07 - 00:41:06:07

I'm not at all. It's your opportunity to have your say on your client's behalf, so it's entirely understandable that you want to capitalize on that. Um, there are a couple of points. I know the applicants doubtlessly chomping at the bit to to respond to some of the points that you've made. There are a couple of points that I just wanted to cover. Um, you I appreciate you find yourself in the invidious position today. Standing and for a colleague, the rule eight letter that, uh, set out the timetable for the six month long examination was finalised back in July and um, the so really once that is set in stone.

00:41:06:21 - 00:41:44:10

Um, there is very little scope to make any amendment for individual circumstances be that inspector's applicant or affected parties, because it's just such a ginormous, um, process. So that that's the first thing, um, you I don't want to get into any protracted, uh, batting back and forth on this. You said that the first that you had heard about the provisional date of the 11th of November for a meeting between the estate and the applicant, that you heard that this morning.

00:41:44:16 - 00:42:29:00

It was actually the examining authority were alerted to it in yesterday's issue specific hearing, which two of your colleagues attended? Um, because the applicant did express the desire that the estate, uh, accommodated, uh, at an earlier date. But as Mrs. Jones rightly said, that's that's not a matter for the examining authority to, to get involved in. But just to say that that that that information was put before the examination yesterday, um, the issue of freehold rights versus the compulsory acquisition.

00:42:29:09 - 00:43:15:21

Um, we have given that a fairly good airing under agenda item three. So I'll certainly add your concerns to the, uh, list when I come to, to, to consider that. But, um, the applicant just just be prepared may or may not engage very fully without given that we we have had that, um, exposition this morning. It certainly sounds, from what you say, that negotiations could and I won't pass uh, comment on whether they should have been handled differently, but, um, as of today's date, we are where we are.

00:43:15:23 - 00:43:46:26

And it's really what I would like to try and explore is, uh. Or what, not explore what I would like to try. And here at the end of, of today is, um, that, that there are concrete plans in place for the two

parties to get together face to face and progress negotiations meaningfully, meaningfully. I think there is obviously the desire on your behalf. We heard that expressed by the applicant yesterday.

00:43:46:28 - 00:44:13:21

So I would just say it has to be done outside the auspices of this examination, but I would encourage the parties to get together at the earliest point. So with those general points, just by way of setting the context for the applicant, I will hand over to them to, to hear, um, any follow up points, please.

00:44:14:24 - 00:44:46:02

Thank you. Madam Li's done on behalf of the applicant. Um, you may have seen the look of surprise at this side of the table on the basis of the submissions that have just been made by Miss Whiteman. Um, uh, we could miss Wykeham. Sorry, I can't see the names at that distance under the, um. Uh, they don't reflect the applicant's understanding of the efforts that have been made for engagement. And we strongly refute all the suggestions that have been made around a lack of engagement.

00:44:46:18 - 00:45:18:11

Um, I don't intend. I don't think it's a useful use of the examinations. Time for us to go backwards and forwards on that. Clearly Miss Wacom has been brought in at the last minute to cover, and it's not actually fair on her to be interrogating that. I would ask though. She said she was reading from a script. Um, I'd ask that she submits that script, please. Um, or I would ask the examining authority that they ask that that's a script is submitted, um, at the post hearing deadline, um, in order that the applicant can respond to it in full.

00:45:18:21 - 00:45:49:00

Um, there were a number of matters raised that have not been raised with the applicant previously. Um, and it's important that, um, that the applicants, given the opportunity to respond to each of those points, uh, including the detail around, um, engagement. Uh, I'm not sure I've got much more to add to that in terms of the land. Take the applicants justified. Um, the land take that is needed. We talked yesterday, uh, when Miss Wickham's colleagues were in attendance about the substation site.

00:45:49:11 - 00:46:31:20

The site selection process that had been undertaken. The reason for the choice of this site. The um the the the the need for the area, um, and talked about the landscaping proposals. Um, and I think there was confirmation that both the local authority and Natural Resources Wales are happy with the amount of landscaping and biodiversity being provided. Um, in respect of the, uh, the landscaping for the substation. Um, and as I explained at the start, um, the reason, um, freehold acquisition is needed for those elements is that they need to be maintained, um, alongside, um, the substation itself.

00:46:33:00 - 00:46:40:07

I'll just check there's no other points that, um, the team want to make, but I think that's probably the content of our submissions.

00:47:00:14 - 00:47:31:08

Liz Dunn on behalf of the applicant. A couple of points the team have asked me to make. One is, um, in terms of the landscaping and ecology proposals, there is, of course, a very detailed plan at the back of the outline Landscape and Environmental Mitigation plan, which shows exactly all the plots that

are required and explains the reason for those. I haven't got the reference number in front of me, but somebody might help me out with, oh, here we are. Rep 0202034 is the most up to date version of that. Um.

00:47:31:15 - 00:48:06:10

Uh, I've been asked to point out that that there was actually engagement with, um, with the estate in respect of the location of the substations, and there was a meeting that was held, um, to talk about those. And in respect of the meeting on the 11th. Um, I'm not sure if Miss Wickham's aware, but that there was a meeting that was planned for next Monday, which is, I think, the 23rd. Um, if it's not, it was Monday at the estate have had to cancel that meeting. And, uh, the applicant was obviously keen to get a further meeting in the diary as soon as possible.

00:48:06:12 - 00:48:23:03

The 11th of November had been suggested as a date for a meeting. As you'll remember, my submissions yesterday were whether that could happen earlier. But appreciate those are matters that are outside of, um, this hearing. But the applicant does, um, really would welcome, um, a meeting with the estate as soon as possible.

00:48:25:13 - 00:48:58:02

Thank you for that, Miss Dunn. Miss Wickham, just before I ask if there's anything else that you want to submit this morning. Um, we do ask that, um, participants, participants provide a written summary of what they have said to the the hearing. So certainly if we could have the written summary, be it in the form of the, the script, um for deadline for that would be very useful.

00:48:59:22 - 00:49:03:06

Is there anything else that you want to appraise us of?

00:49:03:18 - 00:49:35:08

And just a couple of points. Um, the first point, Selina, welcome on behalf of the seven state. Um, the the first point is that, um, my colleague example spoke with, um, the applicant representatives yesterday, and he was told verbally that leasehold rights could be explored. Um, so that sort of is this is contradicted the point that was made yesterday, in my view, just whether they can sort of consider that further.

00:49:35:21 - 00:50:07:16

Um, because as confirmed that they that was definitely suggest just today, second point, um, just that more information, more detail is required to make these negotiations and discussions, um, effective. And that is my key point out of today. The level and scale of the development that they intend to implement onto my client's land does require a level of and a degree of a significant degree of information which isn't present today. And that is just my final point.

00:50:08:09 - 00:50:32:15

Well, there is Masuka, as, um, the Acsa certainly knows a huge volume of information available in the examination library. It may be just the case of the parties sitting down and bookmarking. Where that is. There may be, from your point of view, still missing, but it just sounds as if you need to get together and establish your relative positions.

00:50:32:23 - 00:50:40:18

With respect to its design and detail, which is mitigation. Ultimately, which is not is not within all the detail that's provided to date.

00:50:41:03 - 00:51:07:09

Okay. And, uh, maybe that that that's something if you're making any further written submissions that you can give us some detail on because, um, you're we haven't had maybe some of that, that level of detail before today. So that again would be of assistance. Does that conclude the points that you wanted to put before us this morning? I'll just check with the applicant if they have anything you want to come back on.

00:51:07:13 - 00:51:41:09

Sorry, les down on behalf of the applicant, there is one point I just want to correct. Um, yes. There was a discussion with Mr. Sample yesterday around, um, uh, around potentially leasehold interest being acquired, but that's through the voluntary agreements is the point I made, have made all the way through this compulsory acquisition hearing, um, which is in respect of the rights that are sought within the development consent order. Um, they are it is very hold acquisition. It is open to the parties to agree something less than that, for example, leasehold rights if they're appropriate.

00:51:41:11 - 00:51:44:09

But that can't be done through the development consent order.

00:51:45:16 - 00:52:04:17

That's the point that I didn't pursue with you, Miss Dunn, because we had covered it in agenda item three. So I think that's certainly there on the record. Miss Wickham, does that conclude? Yes. Are you leaving us? I am thankful and thank you. Thank you.

00:52:06:06 - 00:52:24:01

So then next on the list, um, I don't know, Mr. Perry, whether Kerry. James, I don't want to go into personal circumstances, whether Miss James is joining us or whether you're in the hot seat for your representation and those of your family members.

00:52:28:15 - 00:52:32:29

Oh, she's not she's not here. She's not able to join us today.

00:52:39:03 - 00:52:48:06

Okay. I'll just go through the the preamble. I'll just check whether we have, um, Miss James on the call.

00:52:49:27 - 00:52:53:20

If you are, could you make yourself known to us, please?

00:52:55:28 - 00:53:41:17

Okay, so this is as if she's not with us. Um, Mr. Perry, again, just when you when you go to speak the microphone and who you are. So I'll just set the context. We had four relevant representations from

yourself and the family. Uh, I won't go into. Well, the numbers were or or 17, 21, 56 and 69 to which the applicant responded in its PDA 008. We then had three words from the family a deadline, one which were Call 08384 and eight nine, to which the applicant responded in its rep 2082.

00:53:41:27 - 00:54:23:27

We got further submissions from and on behalf sorry from from yourself and the family at subsequent deadlines. Rep 2102 and rep 2108. The applicant responded to the former deadline three by way of rep 3040 and its response to the latter. I'm sure we have to anticipate at deadline for the main points raised in your last submission, to my mind were fourfold consideration of reasonable alternatives, adequacy and objectivity of pre-application consultation,

00:54:25:17 - 00:54:58:05

whether the extent of the proposed land meets the legal and policy tests for compulsory acquisition and timetabling, for implementation of the proposed development and the associated impact on yourself and the three other affected parties. Know that compulsory acquisition at this stage, the compulsory acquisition hearing at this agenda item were only concerned with alternatives as they directly affect your, um, the family's land.

00:54:58:29 - 00:55:31:07

It's perfectly understood that the wider consultation on alternatives, as regards specific elements of the proposed development in its totality, would arguably have implications, for that matter. And those are strategic issues that the examining authority will consider in taking account of the evidence before it, such as volume four of the environmental statement. That's A01 six and subsequent evidence submitted through the examination.

00:55:32:01 - 00:56:09:06

With that in mind, at Tuesday's accompanied site inspection, where you helpfully, um, showed us the land subject of the proposed development as it affects you. You told us that you wanted to discuss the suggested alternatives, a to E that would put forward a deadline one, and that was in rep 1083, and that the applicant responded to at the subsequent deadline and wrapped 2082. The applicant has been asked to have the slides of the five alternatives available today, and I'm sure that Mr.

00:56:09:08 - 00:56:15:22

Griffin has those to hand if needed. If you just, um, wait for for the nod. Thank you.

00:56:18:20 - 00:56:33:19

Um, Mr. PA, I have some, uh, questions on that theme, but I would prefer you to, to make any further general submission that you want to make before we look at the specifics of those alternatives.

00:56:39:00 - 00:56:41:29

Uh, Griff. Parry. Parry, um, weighed. Um.

00:56:48:06 - 00:57:23:18

Um, the objectives have a neutral view on and do not explicitly or implicitly wish to interfere with the confirmation of this order beyond its impact on themselves and their land. Um, but the impact is quite, um, excessive in terms of the amount of land taken at temporarily and permanently and the amount of

time that they could potentially be occupied for, um, and, and the fact that it totally, um, blocks access from the A48 into, into anything that we were trying to do.

00:57:24:05 - 00:58:04:20

Um, 61% of the land And is to be occupied temporarily. And if you project how that could work, it could be as long as 2024, before 2034, before that was completed. Um, and then 10.69% of the land will be, um, permanently sterilized by the permanent deed of easement as the oldest currently drafted. So, um, to try and alleviate the issue. We've suggested options A, B and C, um, which, um, you know, we've requested that the, um, plots, relevant plots are removed from the order altogether.

00:58:05:16 - 00:58:30:20

Um, however, we realize that may not be as easy as can be done, although we haven't had any analysis of those in that route from the promoters. So we don't know whether they are, uh, reason or not. So we have suggested other modifications, D and E, which partly use the objectors land but reduce the amount of land required. Um, quite, quite substantially. Um,

00:58:32:15 - 00:58:51:09

I don't want to dwell on, uh, the submissions that it made before, but I do need to just put the key points, um, because it just shows that the process hasn't been a fair process in trying to, uh, in giving the objectives of fair crack at the whip of, of consultation considerations. So

00:58:53:00 - 00:58:59:24

the key point about whether all reasonable alternatives, um, have been examined, um, is

00:59:01:21 - 00:59:28:16

not the case. I mean, the minutes from the December 21st Iwi steering group meeting show that the preferred route was identified. Um, back back at that time. And it was only it was only waiting for the, um, national grid to determine the actual point of interconnection, um, model within for that to be the case. So There was it was originally, I think, six landfall locations, but they were all, um.

00:59:30:29 - 01:00:09:06

There were issues with them all. Um, in terms of the Douglas gas fields and in, in interactions with Quinta, more and more, um, and, and all the other, the other operators and equipment there, um, which meant they were never realistic, um, landfall points at all. So the 16 routes that the promoter claims to have considered it were never an option for it. Um, the consultation again showed that the, the the route was the landfall point and therefore the routes were predetermined in December 21st, waiting for the spring decision from the national grid.

01:00:10:04 - 01:00:10:19

Um.

01:00:12:21 - 01:00:43:04

Obviously we have issues with the compelling case and public interest and what consideration has been given to the hardship on, on those affected, which, um, I don't want to duplicate again and again funding is is an issue which I don't think is really been given enough thought because, uh, it does have

a serious risk to the scheme being delayed. But the way the notices are drafted at the moment, it means that that delay can be absorbed by the scheme at the cost of the landowners.

01:00:44:11 - 01:01:00:28

Um, Mr. Perry, if I could just excuse me for interrupting you. Just a gentle reminder that there is an agenda item on funding for later today. And I know that you have made submissions on it, so if we could just park funding to them. Thank you. Please go ahead.

01:01:01:00 - 01:01:02:15

Yeah. Um,

01:01:04:04 - 01:01:36:09

so in terms of the local impact, obviously the land take is very expensive. Um, the eventual location of the easement and the permanent corridor is very, very ambiguous. Um, and the timescales are wholly, um, unfair and unreasonable. So, um, we believe the way forward is to to reduce the amount of land taken. Um, I think the August 27th deadline two submission, um, shows that the, uh.

01:01:38:12 - 01:01:45:17

There's a very excessive land take from what's actually required for the construction of the cables. Um.

01:01:48:09 - 01:02:32:06

Uh, shows how unreasonable the 74m or 100 metre temporary working corridor is. Um, and it also shows that the 30 metre permanent um width of easement is is is is, um, excessive? Um, even if that could be reduced to 50, a 15 metre easement, that would only affect 5.35% of the land rather than the 10.69, which is still very difficult, but far more tolerable. Um, in terms of reducing the compound size, um, both reducing the amount of land take permanently and temporarily, and reducing compound size can be done by reducing the limits of deviation on the on the current plans.

01:02:32:27 - 01:02:33:12

Um.

01:02:36:16 - 01:03:27:05

Um, and also we need to look at the time limits on the, on on that as well in terms of the location of the permanent easement. We did have a meeting on the 17th of September with the promoter, um, where we tried to see if there was some measure of accommodation. And we have requested that they take the alignment as near as possible to as far south on the site as possible and as close to the pylons as possible. We understand there's a 25 metre safe working area that we'd after which they could, um, lay these cables and then that would ideally follow through with the alternative option D or E, and cross the actual AC pylon line between tower AC one, two eight and AC 127.

01:03:27:27 - 01:04:02:06

Um inter land, which is not currently in the order, but in the spirit of cooperation, we are prepared to give, give uh consideration to uh including that if necessary, um, subject to timescale, obviously, um, in terms of the timescales for the work, obviously the seven year notice period is a is a big concern for

us. Um, the article 21 permanent writes, I think I've explained that by serving energy to treat and, uh, these can be extended to ten years and beyond.

01:04:02:24 - 01:04:41:22

Um, and the actual entitlement to compensation wouldn't be into the actual notice to compensation for the actual losses, rather than just for servicing of the notice. Wouldn't be until the actual notice to enter or final vesting declaration was served. Um. Article 29 have flagged up concerns with that previously about, um, the lawfulness to be submitted on that separately. Um, so I think if in terms of the temporary notice period, I think that needs to have a finite life if it's if it's permitted at all, um,

01:04:43:16 - 01:05:14:15

because as it currently stands, the promoter conservatives is on right at the end of the seven years and occupy the land and then continue indefinitely until completion. And completion is not defined, whether that's practical completion or completement of reinstatement or, or uh. So I think that needs to be looked at. Um, they can currently ex um, use that powers on um which, which are quite comprehensive and very difficult.

01:05:14:23 - 01:05:23:12

Very draconian. On 28 days notice, which seems very unreasonable. I think the notice period for that needs to be extended. Um.

01:05:23:28 - 01:05:42:24

Mr. Perry, again, my apologies. You are strained into the development consent order, and I know that there are parties on the call today that have said that they want to discuss exactly those provisions at next week's hearing. So if you can join us in that, that would be the forum. Okay. Thank you. Um.

01:05:48:09 - 01:05:54:27

I think that's all I've got to say that doesn't really duplicate, um, what I've said in the submissions to date. I don't.

01:05:54:29 - 01:06:25:03

Want to. I certainly hope I didn't put you off your stride with that interjection. But in in fairness, um, most, most of the points I think you've articulated in writing, but it's it's certainly useful to have a synopsis of them today. There was really, uh, you helpfully covered several questions that I had, but there was just one that I did wanted to get your advice on. I'm obviously aware of Mr.

01:06:25:05 - 01:07:02:23

Robert Parry's aspirations for the land that the applicants want to compulsorily acquire. I did read his his submission and read 1089 uh, together with the planning appraisal for possible options for development of the land within the order limits. The wrap one's area for just. Is the land currently subject? It's a two part question. Is it currently subject of any unimplemented planning permission, or is there any planning application currently lodged with the local authority? Thank you.

01:07:04:02 - 01:07:08:14

No. Um, Griff Parry. Um, Parry and Wade. Um.

01:07:10:06 - 01:07:36:17

The answer. The short answer is no. As you'll see from Robert Parry's submission, he. It's always been a long term aspiration for him to do something with that land because of its key location. Um, he came home in lockdown, um, in 2020, I think it was, uh, early 2020 and has been developing ideas. And he's launched one project, the Shaw Project, and

01:07:38:04 - 01:07:52:08

we've turned our attention to, to to this. Um, we did think we'd have longer to work on it, really, but unfortunately we've had to sort of expedite matters because of, uh, the big threat that's looming.

01:07:55:09 - 01:08:12:12

So, so, so, so we we've had planning advice, um, and we're currently working up, um, a means to, uh, make an application, whether that's going to be a pre-application or a or a go to a full application. We've not decided yet.

01:08:13:19 - 01:08:22:25

That's very helpful, Mr. Parry. Thank you for your clarification on that. I'll hand it over to the applicant for any points that they want to respond to.

01:08:23:27 - 01:09:01:11

Thank you. Liz Dunn, on behalf of the applicant. Um, if I just, um, draw out some of the key points. So in respect of the DCO, I think we're parking discussion of the drafting of article 29. Um, until until that hearing. Um, uh, I appreciate that potentially an issue with Mr. Parry attending that hearing. Um, if I don't know if there's a way of him putting in his submissions on that in detail. I appreciate it's not to a deadline, but it I'm sorry, I'm probably spoiling process, but if there was a way that those could be considered in detail at that hearing, we'd be happy to.

01:09:01:13 - 01:09:46:08

Otherwise, maybe they're in writing for deadline for and, um, we will respond to them in detail in Saleem writing may be one to take away in terms of how we might manage that process. Um, uh, I think, um, in terms of the, the sort of points around, um, predetermination of the route. Um, Mr. Williamson is going to explain how I know we aren't dealing with that question about site selection. There is just you don't want us to, um, I can say in very high level detail, there was a in 2021, there were considerations given to a number of, um, of possible grid connection points for the project and the landfalls that would go with those.

01:09:46:10 - 01:10:16:06

It was a very, very high level study that was done that was undertaken once the um, point of interconnection was identified at board or within. That was then reviewed to check that. Actually, the and um, I think it was two points of interconnect, two landfills had been identified at that point Al-Andalus. I want to keep this really light, but I just do want. Do you think it's important that we explain the process that was was taking place? Do you want to take over?

01:10:16:20 - 01:10:17:05

Uh, Phil.

01:10:17:08 - 01:10:52:12

Williamson, on behalf of the applicant. As Miss Dunn has explained, um, at that early stage, which is the expert working group, um, that was being referred to, uh, that was pre scoping. So the six points of interconnection had been identified as possible locations for connection for the Mon offshore wind project. Um, once the point of interconnection was determined, the site selection process essentially started in earnest. Um, following that high level assessment. And that meant that we looked at the entire North Wales coastline, as identified in the scoping report for potential landfall options.

01:10:52:21 - 01:11:21:17

Um, the number the number of locations was approximately seven. Um, and we assessed all of those for their feasibility and potential viability. Um, and the site selection process whittled that down to eventually to two locations at Al-Andalus, which were included within the peer statutory consultation. So I can assert that there was a robust process that was undertaken, and there certainly was no predetermination of where the offshore export cable route would make landfall.

01:11:23:14 - 01:11:42:09

Thank you. And you did. You did keep it high level, Mr. Williamson. Could you maybe just for for the for for my benefit. Certainly as as much as as. Mr. Parris, would you have the examination library reference for that document or is it the AP 064 that I referred to.

01:11:42:25 - 01:11:57:24

Hillary Williamson on behalf of the applicant? All of the details of that are included in the site Selection and Consideration of Alternatives chapter, which is as 016 um, and I believe the, the section. So I don't have this section in front of me, but it is within there.

01:11:58:25 - 01:12:30:25

No, that that's very helpful. Thank you. Um, just on the point of view of process that that you raised, Mr. Dunn, Mr. Perry has made, um, references in his submissions to his considered shortcomings with the those provisions of the development consent order. Uh, of course, he is welcome to to make any further submission that he judges to be necessary at deadline for.

01:12:30:27 - 01:12:53:07

But certainly the points are in his submissions, and I think for the sake of fairness and equity to all those who are going to participate next week, I wouldn't um, the EXR may not look favourably on a request to to submit further information and advance of that. Is there anything else that the applicant wanted to say by way of response?

01:12:54:20 - 01:13:06:26

Uh, listen, on the behalf of the applicant, that's understood, and we'll respond to those points, um, in respect of the drafting at that hearing. And then obviously, if there's any follow on apologies, I wasn't trying to undermine process until.

01:13:29:04 - 01:14:01:07

It is done on behalf of the applicant. Um, I'm not sure. We've got an awful lot more to say on that, to be honest. We've we've obviously the applicant has met with Mr. Perry and the representatives to talk through the, you know, what's required in respect of that land. Um, we've seen the, um, alternative

proposals that have been put forward and responded to those. Um, I think it's worth noting with those that, um, and note Mr. Parry's comment about making other land available, and all of those options involve other third party land.

01:14:01:12 - 01:14:20:06

They're not all solely on Mr. Parry's land, as I understand it. So whilst, um, um, I think it's a sort of fundamental principle that even if, even if any of those options were suitable, which we don't believe they are, um, they'd still require compulsory acquisition of land. And.

01:14:22:08 - 01:14:52:04

We'll certainly miss out on the, the, um, deadline to response to the parry and weird submissions that deadline one did go through, um, the five alternatives in some detail so that that is before they examination. Mr. Parry Park in the um, the draft developed consent order. On the issue of funding aside, is there anything else you want to put before us at this stage, or have you had a fair crack at the whip?

01:14:54:03 - 01:15:25:08

Griff. Parry. Parry. Wade. Um, just in response to Mrs. Duncan's comments that there was no. And Mr. Roberts, uh, Williamson's, uh, comments, the minutes are very clear what was what was known at December 2021 and the timescale of um, National Grid confirming the bottle within POI and thereby crystallizing everything else was um March.

01:15:25:10 - 01:16:01:00

They, they they explained it was their preferred poi in March 2022. Um and then confirmed that formally in in in May 2022 and March 22nd coincides precisely with when Darlene McLaren, as mistaken is said today, were instructed to contact all the landowners and start land referencing and and everything else. This, this, I don't think it's not a big use to me. Um, and secondly, um, about the issue of other land take, take um, being involved if they did pursue routes at A and B that that's that is correct.

01:16:01:04 - 01:16:33:24

Um, for routes um, A, A, B and C there are two, well one new landowner and one landowners affected elsewhere affected, who is very cooperative and has signed heads of terms on the other land. I understand. Um, also the other land that would be required for options D and E, um, is owned by the objectors and we're amenable to that. And in any event, the promoter has the use of the infrastructure. Um compulsory planning statutory instruments, which enables additional land to be included in the order.

01:16:35:05 - 01:16:35:20

So.

01:16:38:28 - 01:16:47:21

Thank you for that, Mr. Perry. Um, just on a final, uh, revisit to the applicant. Is there anything that it wants to add?

01:17:02:04 - 01:17:33:00

Lasdun on behalf of the applicant. Um, nothing additional to say. I mean, the applicant would only in very, very, very exceptional no circumstances be seeking to secure a separate compulsory acquisition order outside of this development consent order um, for land outside of the order limits it it just it wouldn't it's not the purpose of the planning act process. Um, and it's not something the applicant would be seeking to do.

01:17:40:00 - 01:18:11:06

That's very clear. Thank you. I'm going to move on. Um, we are expecting, um, Mr. Bibby at three or after to talk on behalf of, of two clients. So Miss Staples for the National Farmers Union. Um, is there anything that you want to add at this juncture, over and above what we've heard from you on behalf of individual clients this morning?

01:18:14:02 - 01:18:53:24

Uh. Thank you. Louis Staples for the NFU. Um, no, there's nothing I really want to add for individual clients. I'd rather wait, uh, and speak after Mr. Bibby has raised his issues for the for the two clients, which are also, um, NFU members. Um, the only other thing I wanted to mention, um, I've obviously already mentioned about the proportion of the rights, uh, that they're seeking and that length of time and for those being in perpetuity. I just wanted to mention in regard just generally about occupiers negotiations, because they haven't been mentioned at all, um, as yet within the NFU and land group, we don't have any occupiers.

01:18:53:26 - 01:19:07:06

Heads of terms agreed yet. Um, so we have, uh, been in some discussions. Uh, but yes, as I've said, they're still not all outstanding and to still be agreed.

01:19:11:16 - 01:19:32:05

Thank you. We did get some update at, uh, agenda item four, but I appreciate that. It seems to be a discreet point that, that you're making, and that's certainly fine. I'm more than happy to hear from you. If there's anything you want to add to Mr. Bibi's submissions in due course, I'll just see if there's anything that the applicant wants to add in respect of what you've just said.

01:19:33:23 - 01:20:04:11

Taken on behalf of the applicant. Um, notwithstanding what Louise has said, uh, the heads of terms for the occupiers are currently with the land agent group for where they are represented to come back with comments on those documents, and it didn't seem appropriate to necessarily progress those, Um until the landowner for the for the land had necessarily agreed they had the freehold heads of terms. So, uh, we are keen to progress those occupiers consents now that we do have the majority of the freeholder agreements in place.

01:20:06:11 - 01:20:25:10

Just before I revert to Miss Staples. Um, is there an again I just just by way of, uh, knowing where you are with the negotiations, is there an imminent meeting between the the group and the applicant? Because we're halfway through the examination and time is marching on.

01:20:27:12 - 01:20:36:11

On behalf of the applicant, um, there isn't anything arranged currently, but happy to speak with Louise and get a date booked in, um, to to arrange that.

01:20:36:26 - 01:20:46:26

Uh, certainly not wanting to try and steal my stable's thunder, but I think that that might be a constructive way forward. Miss Staples, is there anything you want to add at this point?

01:20:48:04 - 01:21:19:06

Uh, thank you, Louis Staples for the NFU. It was just to say, um, in regard to the occupiers. Um, what we're slightly concerned about is that, yeah, one of the occupiers is, um, yeah, is affected by the substation site. So we think there's probably been, you know, it shall get brought up later on, but there is a lack of understanding there about the impact of that on that tenant farmer there. And you'll hear obviously more about that again, from what you've heard already this morning.

01:21:19:23 - 01:21:28:03

Um, but yeah, no, we will, uh, try and now progress forward with some further meetings on the occupiers heads of terms. Thank you.

01:21:28:23 - 01:21:46:14

Thank you, Miss Staples. Um, I think unless the applicant is anything to add, I'm going to. I know it's not ideal, but I'm going to park agenda item five and then revisited when Mr. Bibby can join us. Uh, just bear with me one minute. I just want to confirm.

01:21:58:24 - 01:22:12:02

Okay, well, on the premise that we haven't closed agenda item five, I'm going to hand over to Miss Jones to look at agenda item six, and that relates to statutory undertakers. Thank you.

01:22:13:13 - 01:22:19:22

Thank you, Mr. Coursey. Um, I don't want to get into. Or do you want to swap some time around? That's fine. I'll wait.

01:22:29:25 - 01:22:30:10

Ready?

01:22:33:05 - 01:23:01:09

Um, I don't want to use this agenda item to get into details and discussions on wording on protective provisions, because I think we'll save that for issue specific hearing five next week. I just wondered if you could please summarize for us any outstanding matters arising from any of the representations that we've had from statutory undertakers. Um, any impediments that you see to reaching agreements with them, um, and any likely timescales for those agreements as well, please?

01:23:06:00 - 01:23:12:19

I'll just start by quickly introducing myself. I'm Olivia Henninger, an associate and solicitor at Burgess Salmon, representing the applicant.

01:23:14:06 - 01:23:54:02

As we be aware, there are a number of statutory undertakers who will be affected by the development. Full details of these, including relevant plots and the rights which are sort through the compulsory acquisition powers in the DCO, are set out in the Moana Land Rights Tracker, and I think we've already had the examination library reference for that within the draft development consent order, which is Rep 2-004. And if it's all right with the examining authority, I'll use the shorthand of draft DCO just for this section. Fine standard protective provisions have been included for electronic communications code operators and for electricity, gas, water and sewerage undertakers, and no changes have been made to these standard provisions.

01:23:55:14 - 01:24:25:21

The standard provisions can be relied on by all statutory undertakers of those types which are listed within the provisions, but where bespoke provisions have been included in the draft DCO. The statutory undertaker, which is specified in those provisions, can seek to rely on those. The applicant has been in negotiations with statutory undertakers regarding bespoke provisions for a number of months. Those commenced during the pre-application period and are ongoing, save for where those have already been agreed.

01:24:27:02 - 01:25:03:22

Currently there are six sets of bespoke provisions. Four of those relate to electricity, gas, water and sewerage undertakers and two are for transport undertakers. These are the sets which were included in the application version of the draft DCO. The bespoke provisions, which are set out in schedule ten of the draft DCO, which cover electricity, gas, water and sewage undertakers, are in part three for dual country, part four for SP, Manweb, part five for Wales and West Utilities and part seven for National Grid electricity transmission.

01:25:04:00 - 01:25:35:14

And I'll just take each of these in turn. The applicant confirmed at deadline two that the protected provisions with dual summary have been agreed, and the agreed set of provisions were included in part three of schedule ten within the deadline. Two version of the draft DCO in relation to SPP Manweb. The applicant is now pleased to confirm that the parties have agreed a set of protective provisions. The applicant will update the drafting of schedule ten, part four of the draft DCO at the next deadline.

01:25:35:16 - 01:25:42:28

So deadline for and following that, it is expected that SPP Manweb will write to the examining authority to withdraw its representations

01:25:44:13 - 01:26:19:27

with regards to Wales and West utilities. Bespoke provisions are included at part five of schedule ten. The parties have been in discussion on the drafting of these provisions and those discussions are ongoing. The applicant has sought to reflect the provisions which were included in the Alamo Development Consent Order, which were also for the benefit of Wales and West Utilities, on the basis that the position would be similar for that project, and Moana. Wales and West legal representatives had confirmed to the applicant that they are seeking instructions from their client with regards to the drafting, and will provide comments to us in due course.

01:26:22:07 - 01:26:45:05

Protective provisions for the benefit of National Grid electricity transmission are in part seven of schedule ten. The parties are in discussions in relation to the protective provisions and how those provisions apply to the interactions at the onshore substation, as well as along the onshore cable corridor. Discussions are ongoing and the parties are seeking to arrange a meeting in the first week of November to further progress matters.

01:26:47:09 - 01:27:20:21

I'll take the examining authority now to the bespoke provisions which are for transport undertakings. These are set out in part six for Welsh ministers, our Strategic Highway Authority and in part eight for Network Rail. So going first to Network Rail. This is Network Rail. In their role as rail Undertaker and I uh, I note that these provisions are subject to ongoing negotiations. The applicant is seeking a call with Network Rail's legal representatives to further understand their position, and that is being sought for the week following the hearings.

01:27:23:02 - 01:27:42:08

In relation to protected provisions at part six, which are included for Welsh ministers, and this is in their role as road transport undertaker and Strategic Highways authority for the A55. The applicant and the and the Welsh ministers are in discussion on the drafting of these parties are very close to agreement, and it is hoped that that agreement will be shortly forthcoming.

01:27:43:27 - 01:28:07:12

In addition to those statutory undertakers which have existing land rights, the applicant is in discussion with Alamo Offshore Wind Farm Limited. The parties are discussing discussing an appropriate means of managing the interactions between the two projects at the border within substation. Alamo is considering the latest proposals which were sent by the applicant, and a meeting is also being arranged with them for the first week of November.

01:28:09:13 - 01:28:31:07

So just to summarize the position, say, for where the protected provisions are agreed, the negotiations are still ongoing. As such, it's expected that some of the draft provisions will change through the course of the examination, and we'll obviously update the examining authority as appropriate. Good progress has already been made, and the applicant is confident that agreed positions will be reached before the end of examination.

01:28:32:24 - 01:28:42:29

Okay. Thank you. That's that's actually really helpful. Can I just ask a question? A lot of these meetings are being arranged for November. Are these the first meetings you're having or these subsequent meetings to previous meetings?

01:28:44:05 - 01:28:58:20

Olivia Haney, go. On behalf of the applicant, we have been discussing these matters via email to date, and in order to further progress discussions, we thought it would be sensible to set up these meetings, and we are hopeful that that will, um, move things forward.

01:28:58:24 - 01:29:16:04

Okay. I think from our perspective, we're really keen that there is agreement reached at a point in the examination which then allows those parties to let us know that they're in agreement. So that would really be stop in my head. Is the deadline six isn't it. So nine. Six.

01:29:17:03 - 01:29:25:05

Yeah. Olivia. Hi. On behalf of the applicant. Yes, that's certainly our aim as well. And we will obviously update if, if anything just changes. Yeah.

01:29:25:09 - 01:29:35:20

And there's still a possibility, although nothing is set in stone yet, that we might have a further DCO hearing in the December hearings, although that's still to be decided.

01:29:41:21 - 01:29:52:01

If those protective provisions aren't agreed. Um. And that's such. In such a situation, what are the options for the examining authority?

01:29:54:15 - 01:30:30:08

If you go on behalf of the applicant, if it comes to a point where at the end of examination, the parties have not been able to reach an agreement, it is for the parties to present their positions with regards to the tests in section 172 and 138 of the Planning Act. And uh, for them to put their positions forward as to whether those tests have been met. Further discussion of those matters, um, could be undertaken through the examination process, but obviously we hope that that that does not that does not arise.

01:30:30:17 - 01:30:39:15

Um, and I know that there is a section on on one seven, 127 and 138. It's later in the agenda. So we can we can go into more detail at the appropriate time.

01:30:40:21 - 01:31:16:04

Uh, Les Dan, on behalf of the applicant, I'll just, um, if the applicant is obviously intending to, um, have those protective provisions agreed by the close of the examination such that the, um, objections can be withdrawn. Um, it would not be the first project if that hadn't happened. And negotiations will continue after the close of the examination. Um, so during the three months when the examining authority are writing their report, and then the parties would be reporting to the secretary of state, um, prior to the secretary of State making their decision.

01:31:16:12 - 01:31:46:21

Um, in terms of seeking to so it certainly is not the timetable that the applicant is aiming for. Um, and recognizing that that, you know, the need for the examining authority to, uh, to tie those things up at the end of the examination. But as I say it, we wouldn't be the first project if that wasn't able to be the position. And clearly then it's targeting making representations to the Secretary of State such that when the Secretary of State comes to make their decision, those objections have been withdrawn.

01:31:46:23 - 01:31:54:28

Or as Miss Hannigan said, that that the position of the parties in respect of the drafting of the protective provisions is very clear in front of the Secretary of State.

01:31:55:00 - 01:32:30:14

Yes, I understood that, and yet only only too aware that it is often the case. It's not ideal. Um, as an examining authority, we would really like to push that. I don't think, um, it's in anyone's best interest that they do go on beyond. And I don't think the Secretary of State, I think the Secretary would prefer them to be agreed during the examination as well. Um, and, and you'll see from our most recent updated guidance, we're now asking applicants to have tried to override those protective provisions at the point of submission. Um, so we are really keen to sort of push on that just if we are at the end of examination and we don't have that agreement.

01:32:30:16 - 01:32:43:10

What we would like from, uh, yourselves is, um, a statement setting out exactly where those where, where the disagreements lie and obviously your case. And we would be asking the same from the statutory undertakers as well as.

01:32:44:25 - 01:32:46:26

It is done on behalf of the applicant. That's understood.

01:32:48:07 - 01:33:03:03

Okay. Thank you. Does anybody else have any points they wish to raise on this matter? We didn't have any requests from statutory undertakers to to come today. No. Okay. In which case I will hand back to Mr. Corsi for item seven.

01:33:06:13 - 01:33:40:04

Thank you, Miss Jones. Item seven is concerned with Crown Land, and I'd be grateful for the applicant's assistant assistance with three matters. An update on matters relating to Crown land and the position vis a vis section 135 of the 2008 Planning Act. Secondly, advise on when you expect consent to be forthcoming and or thirdly, identify any impediments to reaching agreement with the Crown authorities.

01:33:40:06 - 01:33:42:11

So if I could hear from you on that, please.

01:33:44:23 - 01:34:20:05

Olivia Heninger, on behalf of the applicant. So the applicant is actively engaging on obtaining section one through five consents from both the Crown Estate and the Welsh ministers in regards to the position with the Welsh ministers. The applicant has provided them with a template. Section 135 letter and information to support, uh to support the Welsh ministers in considering the contents of that letter. And it's hoped that that that section one through five consent will be provided to the examining authority in due course. The applicant doesn't see any impediments to to that consent being being provided in relation to the Crown Estate.

01:34:20:07 - 01:34:44:11

The applicant has made contact with the Crown Estate's legal representatives and following a request from those legal representatives. The applicant is working to provide details of what should be contained within the section one through five consent from the Crown Estate, so that they can

consider that, and then the parties will take the matter forward from there. Again, the applicant does not see any impediments to that consent being given.

01:34:52:22 - 01:35:14:03

Thank you. That's heartening to hear. And akin to the question that that Miss Jones just asked in respect of statutory undertakers, can you advise on implications for the proposed development? Should the relevant, um, Crown authority, Welsh Government consents not be forthcoming by the close of examination?

01:35:18:12 - 01:35:20:12

List done on behalf of the applicant? Um,

01:35:22:06 - 01:35:59:00

I'm not sure I've got anything to say. It's a standard. It's a standard consent process. Um. Uh, as Miss Manning has explained, the parties are in negotiations with both the Welsh ministers, um, and the Crown Estate in respect of securing that consent. Um, again, I think that if that hadn't been provided by the end of examination, it's again one of those consents that we would need to progress post examination and provide later. But, um, I think both of the parties we are speaking to are aware of the timescales and the importance of doing that, and we will just continue to stress that.

01:35:59:09 - 01:36:06:17

Well, I won't repeat the entreaty that that you just heard in respect of statutory undertakers. Um, but but the same applies.

01:36:08:13 - 01:36:12:22

Um, is Miss Cressy with us from the Welsh Government?

01:36:14:22 - 01:36:21:01

There was an indication that she wanted to speak, but we didn't hear anything at the outset.

01:36:22:25 - 01:36:56:24

No. Is there anyone else has any comments or queries on the issue of Crown land? I didn't have any advance notification, no. Thank you. I don't have any more questions on this agenda item. Um, we're going to take a break for lunch. Before I get confused with what time we're going to reconvene. I would just say we'll have a look at agenda item eight when we reconvene. But of necessity, given that a commitment was made to Mr.

01:36:56:26 - 01:37:18:01

Bibby to admit him at 3:00, we may have to have a brief adjournment. So I would be grateful for your patience and not respect. I think maybe in view of that, we can afford to, uh, take a lengthy lunch and maybe come back at two. Yes, that's a definite will. Will resume at two. Thank you very much.