



## Trawsgrifiad Gwrandawriad

<b>Prosiect:</b>	Fferm Wynt Alltraeth Mona
<b>Grandawriad:</b>	Gwrandawriad Caffael Gorfodol 2 (CAH2) - Rhan 1
<b>Dyddiad:</b>	11 Rhagfyr 2024

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

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## Hearing Transcript

<b>Project:</b>	Mona Offshore Wind Farm
<b>Hearing:</b>	Compulsory Acquisition Hearing 2 (CAH2) – Part 1
<b>Date:</b>	11 December 2024

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File Length: 01:19:06

### FULL TRANSCRIPT (with timecode)

00:00:00:09 - 00:00:11:14

Okay. Good afternoon everyone. Prince Honda. It's now 1:30 p.m. and time for this hearing to begin. Can I just confirm that everybody can hear me?

00:00:16:06 - 00:00:19:01

Yes. Yes, yes. Thank you. Thank you.

00:00:20:19 - 00:00:26:00

Could I also check with our case team at the live streaming and recording of this event has commenced.

00:00:27:18 - 00:00:28:25

It is. Yes.

00:00:29:09 - 00:00:29:27

Thank you.

00:00:33:18 - 00:01:06:08

I'd like to welcome you all to this compulsory acquisition hearing, which is compulsory acquisition hearing. Two other matters related to the proposed acquisition of rights and land. As part of the application made by Moana Offshore Wind Limited. We will refer to you as the applicant for an order granting development consent for the Moana Offshore Wind Farm. My name is Caroline Jones. I'm a town planner and a planning inspector, and I've been appointed by the Secretary of State to be the lead member of the panel to examine this application. I'll just hand over to my colleagues to introduce themselves.

00:01:08:17 - 00:01:21:29

Good afternoon, and I'll start. My name is Julie de Courcy and I'm a chartered time planner. I have a predominantly appellate background, and that includes major energy and transmission infrastructure.

00:01:24:05 - 00:01:31:00

Good afternoon. Fernanda. I'm Hobbins and I'm a chartered civil engineer with the background in major energy and infrastructure.

00:01:35:15 - 00:01:46:26

In Holland. Ah. Good afternoon. I'm Jason Rowlands. I'm a chartered civil engineer and a chartered environmentalist, and I have a background in major energy and highways.

00:01:49:18 - 00:02:01:10

Thank you everyone. So together, we constitute the examining authority for this application. And we will be reporting to the Secretary of State with a recommendation as to whether or not development consent order should be made.

00:02:03:27 - 00:02:39:02

The hearing today will follow the agenda that was published on the National Infrastructure Planning website. It would be helpful if you had a copy of that in front of you. The agenda is for guidance only and we may add other considerations or issues as we progress. We will conclude the hearing today as soon as all relevant contributions have been made and all questions asked and responded to. But if we can't conclude the discussions today, it may be necessary for us to prioritize matters and defer other matters to written questions. Or likewise. If you come up, answer the questions that are being asked of you today, or you require more time, then please just say so and indicate that you need to respond in writing.

00:02:40:07 - 00:03:05:28

This is a blended event and no, it's not sorry. It is a Microsoft teams platform only event and that means everybody is joining us virtually. It is being both, um, live streamed and recorded. So could we just ask everybody, make sure that they remain muted throughout the meeting? If you do need to let us know that you want to speak, please just raise a hand or turn your camera on.

00:03:07:22 - 00:03:39:10

For those people who are watching on the live stream, I just need to let you know that any time that we take a break this afternoon, you will have to refresh your browser to watch it again after the break. A recording of today's hearing will be made available on the moon at Offshore Wind Farms section of the National Infrastructure Planning website, as soon as practicable after the hearing is finished. With this in mind, please just make sure that you speak clearly, stating your name and who you're representing each time before you speak. The digital recording and notes are the only official record of today's proceedings.

00:03:40:11 - 00:04:17:17

A link to our privacy notice was provided in our rule six letter before the examination began, and we assume that everybody today has read that and familiarize themselves. That establishes how the personal data of our customers is handled as this event is recorded and published, it's really important that you don't add any information to the public record that you wish to be kept private, or that it's confidential. Your address. For example, please speak to Mr. Stevens or Case Manager if you do have any questions about that. We'll be looking to take a break mid afternoon today and we're aiming to finish no later than 5 p.m..

00:04:21:03 - 00:04:47:12

Turning to language, we do have translation facilities here. Uh, for this hearing. Uh, Mr. Rawlins on the panel is a native Welsh speaker. And Mr. Stevens or case manager can also speak Welsh. The rest of us will do our absolute best to pronounce places and names correctly. Please be patient with us, and please do feel free to correct us if we get them wrong. With that in mind, do we have anybody who wishes to address us in Welsh this afternoon?

00:04:54:22 - 00:05:21:18

So I'm going to ask those of you who are participating in today's meeting to introduce yourselves. Uh, if any party organization of more than two people participate in this afternoon, could you just introduce your main representatives and then introduce people at the relevant stage as we go through the agenda? When I state you, if you could just introduce yourself stating your name and who it is that you are representing.

00:05:23:05 - 00:05:27:20

If I could just start with, uh, Mr. Bibby, please.

00:05:31:06 - 00:05:52:05

Good afternoon. It's, uh, avion Bibby of Davis Smith property consultants. I'm here today representing the following affected parties. Uh, Jennings Buildings and Building and Civil Engineering Limited. Uh, Mr., uh, own up to the school we serve. And also, Mr. Roberts, uh, of, uh, chandeliers. Thank you.

00:05:53:08 - 00:05:55:03

Thank you. Good afternoon to you, Mr. Bibby.

00:05:57:05 - 00:06:00:20

Do we have Susie Griffiths with us today?

00:06:02:25 - 00:06:10:09

Good afternoon. Susie Griffiths from JB Brabin Price and Co representing G Lloyd Evans and Co.

00:06:12:16 - 00:06:14:15

Thank you. Welcome to you Mrs. Griffiths.

00:06:18:04 - 00:06:22:23

Um is um Mr. James Griffiths speaking as well.

00:06:26:03 - 00:06:26:27

Uh, no.

00:06:27:17 - 00:06:28:19

Okay. Thank you.

00:06:30:21 - 00:06:33:11

Uh, do we have Ella Jones with us?

00:06:36:14 - 00:06:50:04

Yes. Ella Jones from Foster's here acting for the executors of the late Sir David. What can Williams win? Um. And Lucy Tebbit, um, of cottage owners, will be speaking on their behalf.

00:06:54:06 - 00:06:58:17

Uh, is Mr. Tebbit with you there, or she also on the on the call as well?

00:07:01:02 - 00:07:04:01

I believe she is on the call.

00:07:04:28 - 00:07:12:19

Good afternoon. Um. I'm here. Um, and I'll be speaking on behalf of the executors of the late William's win estate.

00:07:13:10 - 00:07:17:27

Thank you very much. Do you have Mr. Sample with us as well?

00:07:22:09 - 00:07:26:13

Yes, I believe he was joining the. Yes. Yes. Yeah.

00:07:26:15 - 00:07:27:10

Yeah, absolutely.

00:07:27:12 - 00:07:31:21

Yeah. But but, uh, not not not not speaking. Observing. Thank you. Okay.

00:07:31:25 - 00:07:38:06

Okay. Welcome, Mr. Sample. And thank you. Is that miss Miss Wickham, miss Wickham also with us.

00:07:39:24 - 00:07:46:04

Hello. Yeah, I'm sitting next to Lucy, so we'll be kind of tag teaming it a little bit.

00:07:46:20 - 00:07:47:10

No problem.

00:07:50:02 - 00:07:53:13

And do we have Mr. Parry with us this afternoon?

00:07:58:14 - 00:08:05:20

Uh, yeah. Uh, Griff Parry. Um, Parry and Wade. Um, not not, uh, planned to speak particularly. Just observe.

00:08:07:06 - 00:08:08:03

Thank you, thank you.

00:08:11:17 - 00:08:16:03

And, um, do we have Miss Staples from the NFU with us?

00:08:18:03 - 00:08:21:29

Hello? Yes. You do? Uh, yeah. So Louise Staples from the.

00:08:22:01 - 00:08:25:24

National Farmers Union, but I'm not intending to not necessarily speak.

00:08:26:12 - 00:08:41:03

Okay. Thank you. Welcome, Miss Staples. I think that is the end of the list that I have. Um, I'll turn come to the applicant in a moment. Is there anybody else who wishes to speak this afternoon that I haven't introduced?

00:08:43:27 - 00:08:51:24

Not seeing any raised hands, in which case, um, Could we go to the applicant and any of your advisors, please?

00:08:53:22 - 00:09:06:03

Good afternoon. Les Dunn, uh, partner at Burgess Salmon, appearing on behalf of the applicant. Um, I have a number of people, um, with me this afternoon, and I suggest probably the best thing is that they introduce themselves when they speak.

00:09:06:23 - 00:09:08:01

No problem. Thank you.

00:09:15:02 - 00:09:19:27

Okay, before we move on, does anybody have any questions or any matters they wish to raise?

00:09:22:27 - 00:09:26:24

I'm not seeing any hands. In which case I'll hand over to Mr. Corsi.

00:09:29:17 - 00:10:10:08

Thank you, Mrs. Jones. I'm just going to briefly explain the purpose of today's hearing. The application for the proposed development includes the request for an order granting development consent to authorize compulsory acquisition of an interest in or write over land and temporary possession of the same. The purpose of this compulsory acquisition hearing is for the examining authority to examine the applicant's case for compulsory acquisition on temporary possession, and to invite affected persons and the applicant to make oral representations about those matters.

00:10:10:26 - 00:10:47:06

The hearing will help us consider whether relevant legal and policy tests applicable to compulsory acquisition and temporary possession have been met. Now, these are solely set out in the Planning Act of 2008 and the Department for Communities and Local Government Planning Act 2008. Guidance related to procedures for the compulsory acquisition of land. As it's only those legal and policy tests that we are considering in this hearing will not be taking evidence on the proposed developments.

00:10:47:08 - 00:11:23:13

Impacts on amenity such as the potential effects of noise, dust, vibration, landscape and impact, concerns about electromagnetic fields, etc. and or any associated mitigation or management measures. As the Secretary of State has no jurisdiction over methods of assessing compensation or indeed the sums involved. Those issues are out with the examining authority's remit. They're wholly a matter for the affected parties and the applicant, and we won't be discussing them today.

00:11:24:13 - 00:11:57:18

Throughout this hearing, we may be referring to several key documents that you may wish to have easy access to. They were listed on the agenda for today's hearing. Two were updated at deadline five, namely the Draft Development Consent Order and that was rep 5006 and the Land Rights Tracker, which is rep 5085. Does anyone have any questions about the purpose of today's hearing?

00:12:01:25 - 00:12:38:09

No, I don't see any hands raised. So I'm going to move on to item three, which is site specific issues for the applicant. I'm aware from the applicant's submissions that it's in discussions with affected parties to try and secure the rights it needs through voluntary agreement. But I would ask it to provide

a general update on how the discussions are progressing in general on the expected deadlines for conclusion.

00:12:38:12 - 00:12:42:06

So I'll hand over to the applicant on that point place.

00:12:45:03 - 00:12:47:00

Ellie Dakin, on behalf of the applicant.

00:12:47:03 - 00:12:48:16

Um. The current.

00:12:48:18 - 00:12:49:18

Position as to.

00:12:49:20 - 00:13:28:02

The status of negotiation is as set out in the Land Rights Tracker. Um, deadline five, which is rep 5085. Um, where negotiations on updates with the landowners, occupiers and statutory undertakers has been provided at each deadline. The position on the agreed heads of terms with freeholders remains the same as the submission um, which shows that 27 out of the 39 sets of heads of terms for the onshore cable corridor, easement, hedgerow and enhancement works have been agreed, which represents 70% of the landowners and 73% of the cable corridor.

00:13:28:29 - 00:13:59:19

There are currently 12 sets of heads of terms with the landowners that are still being negotiated, and the applicant considers that negotiations for these outstanding agreements are at advanced stages with the majority of landowners, and we would expect to have secured a number of these by the end of the examination period, but hopefully by deadline seven the occupier agreements are also being negotiated so that for where there are some outstanding issues at the substation.

00:13:59:29 - 00:14:40:29

Um, and since the submission of the land rights tracker deadline five we now have one occupier agreement signed and two others have just been confirmed as being agreed for signing. Some of the key themes, um, that are featuring in terms of outstanding issues relate to commercial values and concerns around future development on the land, um, and with those landowners and occupiers where negotiation negotiations are less advanced, the applicant will endeavour to engage with the affected parties and their appointed representatives beyond the end of the examination period, if required, to resolve the outstanding points of difference.

00:14:43:23 - 00:15:00:05

Thank you, Miss Denton. Um, I didn't really expect that there would be a huge amount of progress as the land rights tracker only was submitted last week, but that's very helpful to to put more meat on on the bones. So thank you for that. So.

00:15:02:26 - 00:15:31:20

Where the examining authority is we've had 18 affected parties. Uh, they've made site specific objections to the acquisition of rights in their land. To date, one has been withdrawn on that basis. How can the Secretary of State be assured that voluntary agreement has been pursued as a reasonable alternative to compulsory acquisition? And if I can hear from the applicant, please.



00:15:37:10 - 00:16:11:24

Uh, list down on behalf of the applicant. Um, appreciate that. Um, representations have been made by affected parties. Um, and I would probably note that that is part of the process of, um, getting to a stage of agreement with those parties. Uh, clearly, um, there is, uh, it is part of the, the the process around, um, the examination of a development consent order application that those negotiations take place and that those parties are able to make representations to the examination.

00:16:12:10 - 00:16:44:01

Um, I think the, um, mistaken summary of the position in respect of, um, where there are, uh, 70% of the cable land owners and 73% of the cable corridor, uh, where heads of terms are in place at the moment, um, is certainly, from my experience, quite a good outcome at this part of the process. Um, clearly the as. As Mr. Aikens made clear. Um, those negotiations will continue.

00:16:44:03 - 00:17:15:13

It's in the applicant. And, uh, I would suggest in the in the landowner and land interests, um, best interests to try and reach agreement wherever possible to avoid the use of compulsory acquisition powers. So those discussions will continue to the close of examination and beyond examination. And even if the orders granted. Um, up to the point of, um, of seeking, uh, seeking to exercise those powers. So this is this is an ongoing process.

00:17:15:15 - 00:17:51:12

Uh, I'd suggest it's not unusual to be in this position at this point. Uh, as mistaken has made clear. Um, there are the the the points that have been raised are are specific points around areas of land. And as she's mentioned around sort of compensation matters. um, rather than, uh, it being a sort of fundamental objection in most cases to the development as it stands, it's much more about what what's the deal going to look like rather than, um, actually a fundamental, uh, objection to the project.

00:17:51:14 - 00:18:24:25

And that is part as I've said, that's part of the negotiations. Those negotiations will continue, um, as it's in all parties interests to, uh, to reach agreement wherever possible. And I think for the purposes of the Secretary of state, um, the secretary of state determining whether compulsory acquisition powers can be granted, the the point is that, um, it isn't that the applicant has to agree terms on any terms with land interests. The point is that those should be on reasonable terms.

00:18:24:27 - 00:18:57:02

Uh, and the test that the Secretary of State, uh, needs to consider is that, um, that effectively those negotiations have taken place and that that they are continuing and that there has been a genuine attempt to reach agreement between the parties. It isn't that the parties have to settle on any terms, um, because that isn't the purpose of compulsory acquisition powers or indeed, when promoting a nationally significant infrastructure project, that any terms should be agreed.

00:18:57:04 - 00:19:40:16

So I think what the applicant has demonstrated and is continuing to demonstrate is engagement with the relevant parties agreement, where that has been possible, and good negotiation on, uh, on key points of concern, um, and a confidence that, uh, there are matters that can still be resolved that will be resolved. We can go into the detail of those, uh, in terms of the specific points that have been raised. Um, but but that commitment to continue is ongoing and, and will continue and if necessary, Uh, the applicant would update the secretary of state post the close of the examination in terms of where where further progress has been made.

00:19:43:04 - 00:20:24:08

Thank you, Miss Dunn. We've we've had various submissions on the, um, the definition of reasonable terms, and I don't want to go into that, but that's something that the Acsa will have to adjudicate on. And, uh, thank you for your update. Doubtlessly, I'll hear, uh, different versions of where the negotiations are at when I, when I come to hear from the affected parties. But thank you for that. At the outset. I do note from the the latest iteration of the land rights Tracker, which is rep 5085, that there are a number of affected parties who submitted objections to the proposed acquisition of rights in their land.

00:20:24:18 - 00:21:16:00

With whom? You say that voluntary agreements are complete, but the representations haven't been withdrawn. Um, when reaching voluntary agreement, it would be helpful if either you'd ask them to withdraw their associated objection, or where the representation is related to planning as well as land rights issues. Withdraw that part of the objection as it relates to land rights. Or if you could get the affected party to sign a declaration that they're withdrawing their objection and respect of rights that you're seeking in their land, either course of action would assist the Secretary of State in their decision making, as they wouldn't have to consider the associated case for compulsory acquisition and or temporary possession.

00:21:16:13 - 00:21:22:15

So I know that is an action point, unless that you have any, um, objection to it.

00:21:23:10 - 00:21:58:19

Unless done on behalf of the applicant. Um, we will certainly seek to request where those, um, agreements are in place that that that will be confirmed. Um, the applicant obviously can't guarantee that. Also, the applicant is not and would not be writing into the land rights tracker that matters are agreed which aren't agreed. So, um, whether that is an accurate representation of where of where the situation is between the party and and where we are saying matters are agreed, it is because there is a signed document confirming that agreement between the parties.

00:21:58:21 - 00:22:14:28

As I said, we will do our best to request from either the landowners or their agents that where representations have been made, that there is confirmation provided to the examining authority before deadline seven to confirm that those matters have now been resolved.

00:22:16:12 - 00:22:46:01

No, not not wishing to cast any aspersions on the stone on the applicant's integrity, but, um, unless that we we get it from the from the affected party, we still have to consider the objections. So it's just really crossing T's and dotting i's on the access behalf for the for the benefit of the Secretary of State. So thank you. Is there anything that the applicant wants to draw to the examining authority's attention under this agenda item?

00:22:51:04 - 00:22:54:12

Ellie Deacon, on behalf of the applicant? Um, no, not at this stage.

00:22:54:20 - 00:23:11:29

Okay. Thanks. Mr. Jordan, unless that any of my colleagues have anything to add. I'll move on to agenda item four, which is self sorry, site specific representations by effective parties.

00:23:13:18 - 00:23:47:29

We've had, uh, subject to the, uh, update that we had at the outset of this hearing. I have five parties on my list who've notified us of their wish to speak at this hearing. Uh, one. On behalf of three clients. Now, I've determined the running order as I did the last time, by when parties let the case team know of their wish to participate. So just for the benefit of those, um, apps and their representatives organising their afternoon.

00:23:48:06 - 00:24:15:24

The running order is Mr. Bibby, on behalf of his client, Mr. Roberts. Mr. Bibby, on behalf of the owns this to Bibby on behalf of Jennings Building and Civil Engineering. Uh, Mrs. Griffiths and Mr. Lloyd Evans and then attendees from Foster's on behalf of the caffeine estate. And I've got Miss Jones's tablet on this week.

00:24:17:16 - 00:24:54:05

So taken into consideration that the examinations mainly are written process that the Examining authority has read your written submissions to date on that um, most and date. I think all of today's participants, um, took part in the first compulsory acquisition hearing in October. The affected parties on their representatives are asked to focus on updating their case, rather than repeating what's already part of the examination in previous written and oral submissions.

00:24:54:23 - 00:25:13:19

The examining authority wants to advance its understanding of points of disagreement or concern between the parties, rather than to revisit, uh, evidence that's already before us. Does anyone have any questions about the proposed structure of discussion on this agenda item?

00:25:17:03 - 00:25:33:01

Okay. Thank you. Well, then I shall delve in, um, and, Mr. Bibby, on behalf of Mr. Roberts, and there was an indication that Mr. Roberts might want to participate as well. Good afternoon, Mr. Bibby.

00:25:34:16 - 00:25:36:02

Good afternoon. I hope you can hear me.

00:25:36:12 - 00:25:38:09

Yes. Thank you. Loud and clear.

00:25:38:27 - 00:25:39:14

Thank you.

00:25:39:16 - 00:26:11:28

I'll just do a little recap, Mr. Bibby, of of where we are with your client's submissions so that, um, that I've got it right and I need memoire to to, um, anyone else who's who's interested in this agenda item. Since the first compulsory acquisition hearing on the accompanied site inspection to your client's land, a deadline for you made a post compulsory acquisition hearing submission, and you helpfully provided details of the listed building consent.

00:26:12:03 - 00:26:43:15

And that was rep for 116. The applicant made a corresponding submission at paragraph 32 of its hearing. Summary of the first compulsory acquisition hearing that was wrapped for 033 and followed up on your post hearing submission and its D5 submission. And that was the response to Davies Mead Property Consultants on behalf of Mr. Roberts. And that was read 5064

00:26:45:09 - 00:27:08:06

Mr. Bibby, save for your suggested amendment to the Outline Highway Access Management plan, which is app two to it. Your deadline five submission reiterates concerns already before the examination. So can I just ask what points arising do you want to address today please?

00:27:09:12 - 00:27:40:26

It was just really reaffirming the concerns that were raised previously and reaffirming the request for the Outline Highway Access Management Plan to be amended on the basis requested. There have been further discussions with the applicants which are most helpful, but, um, we do need or request for the inclusion of the amendments also in the, in the um, in the in the appropriate documentation that apply to the development consent order process.

00:27:45:11 - 00:27:51:24

The aim here merely is to ensure that our client is not not disadvantaged and respect to the principle of equivalence.

00:27:54:27 - 00:28:03:20

Thank you. Mr. Bibby, is Mr. Roberts speaking today or is not responsibility with you? He's not with you.

00:28:04:03 - 00:28:13:07

Responsive. But no, Mr. Roberts is not. Is not with me. Um, I have not seen that he has that. He's part of the process today. Um.

00:28:14:03 - 00:28:30:19

No, I just wanted to check in case he was present there in the office with you and that I. I passed him over, which I certainly wouldn't want to do. Okay. Thank you, Mr. Bibby. Does the applicant want to come back in response to Mr. Bibi's concerns?

00:28:32:08 - 00:29:05:08

Uh, less done on behalf of the applicant. Um, uh, I think I think our, our understanding, um, of this position is, is in respect of the, um, the possible consequences, um, in relation to, um, to, uh, drainage matters, um, onto, uh, and from, uh, Mr. Roberts land as a result of the works that are taking place. Um, and I think the suggestion, as I understand it, um, from Mr.

00:29:05:10 - 00:29:49:07

Bibby on behalf of Mr. Roberts, is that there is effectively some sort of indemnity placed within the highways access management plan that would hold, uh, his client not responsible for, uh, for any, um, uh, surface water. Um, uh, I'll say the word inundation. It's probably not the right word, but any surface water that that, um, that discharge from his land as a result of those works, I think the applicant has made its position very clear and respect of this on the highways access management plan, which is that that isn't the appropriate place for, uh, such a provision, uh, in that that document is effectively a controlled document for the purposes of how those works will be undertaken.

00:29:49:15 - 00:30:31:17

Uh, it doesn't, uh, contain and should not contain, uh, the types of provisions that have been proposed, um, as Mister Bibby. Well, I think confirm, though, um, the, uh, the applicant's agent has been in touch very recently to look at how this matter could be resolved. Um, outside of the highways access management plan, which I think we would suggest is the appropriate, um, place to be, um, to be

putting forward that. Um, and um, so we, we are confident that that is something that would be dealt with through, um, through, uh, the commercial the agreement effectively between the parties.

00:30:32:01 - 00:31:01:24

Um, and in addition, there are uh, provisions being offered that would allow Mr. Roberts to review those drainage designs, uh, in respect of that, which I understand is where one of those concerns are. So I think the applicant's position is that that that the, the reassurance Mr. Roberts is seeking, uh, are being offered. Um, but it's just they aren't appropriate to be put within the highways access management plan. So they're being done outside of that document.

00:31:03:24 - 00:31:35:22

Thank you for that, Miss Dunn. Um, Mr. Bibby, and for framing your response. Um, the I'm just going to remind myself what the applicant's latest land rights tracker says that's rep five zero at five in respect of your client's concerns. Following the agreement of heads of terms for the land rights sought. The applicants and land interests, respective solicitors have been instructed to negotiate and finalize the option agreement.

00:31:36:00 - 00:31:53:07

Communication with the Land Interests Agent regarding the drainage matters are ongoing. Is that a fair summary, Mr. Bibby? Of of where your, um, negotiations stand outside of of the examination?

00:31:55:01 - 00:33:16:16

Yes. The situation is that, um, heads of terms for proposed voluntary agreements have been agreed, subject to contract. They will therefore, the next stage will be for, for um, those to be, um, scrutinised and, and uh, to be acted upon by the, by the respective party's legal representatives in order to produce the option and proposed easement documents. Um and uh, but and the only outstanding issue is the, um, is the need to address this particular concern on the, uh, condition that is proposed to be imposed by the local authority in respect of surface water drainage, and addressing that on the basis that our client is not disadvantaged, um, during the scheme and, um, and thereafter, uh, once the, um, once the actual scheme is completed, a particular concern that is arising at the moment is that there is a form of word that has been proposed by the applicant that, um, an indemnity is provided, uh, against, uh, loss penalties and Prosecution, but that only applies for the extent of the easement.

00:33:16:18 - 00:34:02:29

Now that easement could well be in perpetuity. However, uh, if that easement is brought to an end, then our clients or successors in title of the land could still be liable, because this condition would no doubt will be enduring and and could well be indefinite. So that is where we're at at the moment, is seeking a form of words that will make sure that our client is not exposed in any way, uh, whether the easement continues or or otherwise. Um, and, uh, with regard to the, uh, proposal for, um, where where we would ask the examining authority to, um, uh, to include appropriate, um, uh,

00:34:04:29 - 00:34:29:24

uh, um, stipulations that would protect our clients, perhaps if it is not in the outline, highway access management plan then. But possibly, um, I can't remember what the applicant's representative said as as an alternative, but if it can be included in an appropriate, uh, location, we would we would be appreciative of that. But that may well be in the draft development consent order or otherwise.

00:34:31:16 - 00:35:14:19

Thank you, Mr. Bibby. My recollection and indeed my my notes, um, as Don was saying, that it was something that really is best dealt with through voluntary agreement. Um, and there was no

suggestion that it would be included, uh, from the applicant on in the draft development consent order. I hear from them again in due course. There's just two things that I want to ask. Um, and this is obviously without prejudice to your your client's position, um, if the indemnity that he's seeking were We're agreed privately in the auspices of the voluntary agreement.

00:35:15:07 - 00:35:36:28

Um, would not satisfy him. Or is he still pursuing his objection to the proposed development through the examination, on the basis that the indemnity is in somehow incorporated into the control documents through the draft development consent order? So that's my first question to you.

00:35:37:28 - 00:35:45:19

Okay. I believe that if there was satisfactory voluntary agreements covering this particular matter, then that would then that would be sufficient.

00:35:49:14 - 00:36:14:01

That's very helpful. Um, I know that these things, um, take time, Mr. Bibby. Do you? Is there anything in this public forum that that you want to ask of the applicant that could possibly, um, speed up the conclusion of the voluntary agreement. Um, or is it something that justice is going to take as long as it takes?

00:36:15:10 - 00:36:46:20

We've, um, had discussion this morning via correspondence on the, um, basis of having a site meeting with a drainage consultant, um, employed by the applicant. Uh, so the my understanding is that the applicant hasn't yet got to the stage of appointing a drainage consultant. And therefore, as soon as one is appointed, then we would welcome that opportunity. Uh, so that, uh, we could discuss and hopefully haven't, haven't have agreed.

00:36:47:09 - 00:37:13:19

Um, but possibly also having the need to have, um, a drainage consultant appointed on behalf of our clients at the expense of the applicant, of course, um, to, uh, try and achieve, um, or try and come up with a scheme that would mitigate this particular risk and Second exposure. Um, and obviously we need as an aside to that, we need this indemnity also in place.

00:37:16:01 - 00:37:38:20

So, Mister Bibby, just so I'm crystal clear, I know that you, um, are indicating that you you need the indemnity in place as part of the voluntary agreement, but the the discourse between the two respective drainage consultants would not have to be concluded before your client would sign up to the voluntary agreement.

00:37:41:04 - 00:37:42:01

Quite possibly.

00:37:42:18 - 00:37:57:09

Quite, quite possibly. I think we'd have to review the situation, really. But there is. But our client would, would, would be it would be helpful if that information if, if the matter was addressed um, before the voluntary agreements were actually completed.

00:37:58:17 - 00:38:08:01

So it's, it sounds as if you're moving in the right direction, but there's, there's, there's still a little distance to to go. As regards the voluntary agreement.

00:38:09:25 - 00:38:12:15

I think that that is a fair assessment. Yes. Thank you.

00:38:13:02 - 00:38:18:15

Thanks. Mr. Bradley. Is there anything else you want to say before I revert to the applicant?

00:38:19:03 - 00:38:37:19

No. You've asked me not to repeat. Really? I'm endeavouring not to do so as my submission is already, um, uh, provided. So there is, um, as far as I'm concerned at the moment, I'll wait to hear the applicant's response, of course. But at this moment in time, I have no no additional remarks. Thank you.

00:38:38:04 - 00:38:48:01

I appreciate your forbearance on the repetition issue. Thank you. I'll hand over to the applicant if there's anything that they want to add to what Mr. Bibby said.

00:38:49:28 - 00:39:06:06

Earlier on behalf of the applicant. Um, we do think that the voluntary agreement is the place for this to be captured. And I think the discussions with Mr. Bibby will be ongoing, um, in hope to resolve this indemnity, um, clause. Um, And we're hopeful that we can come to an agreement on that.

00:39:08:04 - 00:39:38:03

Well, obviously mistaken if that can be expedited, um, and resolved before the end of the examination, that that would be appreciated. And, um, obviously I'd ask both parties of that. Well, certainly, Mr. Bibby, on behalf of its client, that if that is the case, that, um, if you would let the, the our case team know so that, um, we could we can close that off but. Is there anything else you want to add on Mr. Roberts behalf before I hear from you on the plans?

00:39:39:09 - 00:39:41:26

No, there's nothing further to add. Thank you very much.

00:39:42:00 - 00:40:12:08

That's great. Thanks very much. Well, then I'll move on to your, um, submissions on behalf of the ONS. And again, I'll just I'll just do the the little summary. Um, since the first compulsory acquisition hearing and the the accompanied site inspection to your client's land. Again, a deadline for you made a post compulsory acquisition submission. Uh, that was wrapped for 115.

00:40:12:19 - 00:40:43:16

The applicant made a corresponding submission at paragraph 32 of its hearing summary of Ka H1, which was read for 033. And it followed up on your post hearing submission and its deadline five submission, which was response to Davis Meade Property Consultants on behalf of Mr. Amon and Mr. AOM. And that was about 5063 your deadline five submission rep 5015.

00:40:43:21 - 00:41:26:25

It reiterates concerns already before the examination, but it also expands on items that you'd wish to see included in voluntary agreement with the applicant, and also the Draft Development Consent Order, which is Rep 5006 Before I invite you to make any follow up points on those matters. Um, it will be useful to have an update on three points that I go through one by one. Have you yet had a

response from the applicant or their representative to your email of the 21st of November that you referred to in your deadline five submission?

00:41:29:04 - 00:42:09:23

Uh, there have been exchanges of correspondence since the 21st of November. Yes. Um, I gather that, um, on a particular issue of concern presently, um, on our clients being in a position to try and mitigate loss and mitigate the effect on his dairy herd, um, with regard to seeking, uh, to prepare to obtain or to find alternative land temporarily, or or prepare to obtain um, land that can be used for forage purposes.

00:42:10:23 - 00:42:42:05

Um, we haven't as yet received the assurances that have been indicated to us verbally as may be available, because we understand the applicant representative is waiting instructions from his client or from their client, and that is a particular issue concern. Bearing in mind that if the development consultant consent order is granted, then some um, enabling works may well commence from the latter part of next year.

00:42:43:13 - 00:42:47:03

And therefore our client has, um,

00:42:48:23 - 00:43:24:24

a need really to be able to prepare to make sure that they have enough, uh, resource of forage to be able to feed their dairy herd. Um, over the, over the winter period and into 2026, when I gather it is intended for the main scheme to commence and therefore, um, and as the scheme may well take, uh, part for or take place and, and lasts for a number of years, I gather is probably 2 to 3 years before land is reinstated then.

00:43:24:26 - 00:43:56:14

And as obviously a significant proportion of land here, excuse me, is due to be acquired, um, and therefore lost to our for our clients occupation permanently, then our client has. And as the, uh, total area of land probably equates to about a fifth of our clients dairy and, um, dairy holding, then obviously this is a significant aspect that we need to have engagement and preparation for as soon as possible.

00:43:57:13 - 00:44:20:17

I appreciate that that, Mr. Bibby. Um, just the second of my initial queries and it's deadline five submission rep 5063 the applicant referred to a further meeting been arranged after that. That was held on the 11th of November. That I'm just looking at your letter submission that you mentioned as well. Has a date been set?

00:44:21:22 - 00:44:24:14

No, we haven't had a date yet. Thank you.

00:44:25:27 - 00:45:05:00

Thank you. That's you stopped it. And in the latest land rights tracker again rep 5085, the applicant said that an occupiers consent document for the land tenanted along the cable road and sited three plots, was issued to Mr. Owen's agent on the 7th of November and the applicant awaits comments on the document issued. Have those comments been being returned to the applicant or if not, when do you envisage that, um, your, your client or yourself might be in a position to do so?



00:45:05:22 - 00:45:58:05

Okay. With regard to that, there was um, an occupiers draft, occupiers consent documents and associated plan was received, as you say, in early November. Um, and we then had the meeting on the 11th of the month from memory. And it became clear from that meeting because that the occupiers, concerned that we'd received only applied to the cable route, proposed cable route. And because a significant proportion of the land that's impacted applies to the intended substation site, and that we hadn't received an occupiers consent documents at that time for that particular land, and it wasn't clear to us as to how that would be dovetailed with the with regard to the area affected for the cable route.

00:45:59:03 - 00:46:03:07

It then became clear from that meeting that the intention was to issue two

00:46:05:05 - 00:46:39:00

occupiers consent documents. Um, we have, um, responded uh, to the um, cable route, um, occupiers consent documents. Um, but we can't we haven't as yet responded to the, uh, occupied the the draft occupiers consent document for the intended substation land of um, because it isn't yet complete.

00:46:39:11 - 00:47:16:29

It is a draft template. And, um, we haven't until last Friday, received a detailed plan, um, for the, uh, Actual site proposed to be affected by the onshore substation, so we haven't had sufficient time as yet to be able to digest and review that. Um, and so there's going to be a need for further dialogue, uh, with regard and understanding, um, on the post temporary and permanent impact of the land proposed to be affected by the substation.

00:47:18:02 - 00:47:33:09

And, uh, what land is capable of being returned in a if I put it in inverted commas, fit for purpose, um, way for use by our clients. Um, if available at the end of the scheme.

00:47:35:18 - 00:47:49:02

Thank you. Mr. Bibby. Does does a useful update from my perspective. Um, rather than hand over to the applicant immediately, were there additional points that that you wanted to make today?

00:47:50:04 - 00:47:59:06

Nothing more than what has already been submitted. Um, in the, uh, email that I, um, issued on the 3rd of December.

00:48:01:08 - 00:48:03:21

Which was, which was in readiness for this particular hearing.

00:48:04:22 - 00:48:38:04

It was very useful. Thank you, Mr. Bibby. As I say, I have it to hand here. And I think, as you can see from my the three questions I asked it, it did inform them. So thank you for that. Um, rather than just throw it over to the applicant, uh, generally, if I can start with a specific question for it, please. Uh, you said in your deadline five submission, which was rep 5063, that it's not clear what type of voluntary agreement is required directly with Mr.

00:48:38:06 - 00:48:59:21

Owen. Did Mr. Bibi's email of the 21st of November or, um, the aforementioned more recent email did not provide the next necessary clarification, or is that the matter progressing towards resolution? So if I can hear from the applicant initially on that please.

00:49:02:11 - 00:49:12:07

Ellie Dakin, on behalf of the applicant. Um, the complexities around what agreement is required with the tenant is subject to the conversations with the, um, the landlord.

00:49:12:09 - 00:49:13:07

And the estate.

00:49:13:09 - 00:49:38:12

So I think until we're in a position that that negotiation has progressed further, we're unable to kind of confirm what exactly would be required with Mr. Owen. Um, the complexity here is obviously some some of the land will be taken permanently, whereas some is temporary. Um, and therefore we, we do need to progress with the estate slightly further before we can, um, progress with.

00:49:38:14 - 00:49:39:07

Mr. Owen.

00:49:39:09 - 00:49:40:04

And Mr. Bibby.

00:49:41:19 - 00:50:02:28

Okay. Thank you. Will we be hearing from the estate in, in due course. So I'm sure that they can cover that off. Then if it's something that they want to, um, to, to pursue today. Um, Mr. Bibby, is there anything that you want to add at this stage on the on's behalf?

00:50:04:29 - 00:50:36:07

Uh, nothing further. I don't believe at the moment it would just just that we would ask for any assistance that can be provided by the examining authority and the applicant in enabling matters to progress, or our clients can prepare and can be in a position to prepare and have have peace of mind that they can proceed to look for other land and have the comfort that that will, that the associate expense involved will be covered by the by the applicant's or associated reasonable expense.

00:50:36:09 - 00:50:38:20

About. I should have be covered by the applicant.

00:50:39:23 - 00:50:46:19

That that's noted, Mr. Bibby. Thank you, Miss Wickham. You have your hand up. Do you want to make your submission, please?

00:50:48:00 - 00:51:02:04

And just to clarify to you and put on your mind, I'm sorry. So, um, the key issue, um, that from the freehold perspective will be it's that it's the land requirement. Um.

00:51:04:07 - 00:51:06:11

It's the it's the level of land required.

00:51:08:18 - 00:51:11:12

So the actual acreage, the.

00:51:15:12 - 00:51:19:21

The acreage or the hectare age of the land required. Yes. Okay.

00:51:22:27 - 00:51:23:21

Thank you for that.

00:51:25:20 - 00:51:32:09

Is there anything that the applicant wants to add before I move on to Mr. Bibi's next client?

00:51:33:25 - 00:52:03:12

Uh, less done. On behalf of the applicant. I'm slightly confused by that comment from Miss Wickham. Um, the extent of the land required is the extent set out in the compulsory in in the application and the compulsory acquisition documentation. So the book of reference is clear as to which plots are required. Which plots are required on a permanent basis. Uh, a freehold acquisition. Um, so it's clear thinking the documents, what is required?

00:52:04:08 - 00:52:35:14

The still, I took a I'm sure Miss Wickham's will fit to make her own submission. I took from that that it's a point that we're going to be coming on to when we, um, deal with the Katherine estate more generally, that it's their continued concern about the proportionality of the proposed land. Take, um, so, Miss Wickham, is that something that we can park until I come on specifically to them? Okay. Thank you, Miss Dunn.

00:52:35:16 - 00:52:40:07

Is that of of of clarification. Can we deal with it then from your perspective?

00:52:42:22 - 00:52:53:12

It's done on behalf of the applicant. I do think they are different questions, but happy to put that position of proportionality we can talk about in the context of Kevin.

00:52:55:00 - 00:53:07:06

That would be helpful. Thank you, Mr. Bibby. If you're in a position to move on to Jennings Building, civil sorry, Jennings building and civil engineering, um, are you content to do that?

00:53:07:20 - 00:53:08:10

Yes I am.

00:53:08:12 - 00:53:38:16

Thank you. Thank you very much. Uh, again, I'll just do the little the pressing. Since the first compulsory acquisition hearing, the applicant made a corresponding submission at paragraph 33 of its hearing summary of that proceedings, and that was rapped for 033. Meanwhile, uh, DTM legal LLP made a submission on your client's behalf at deadline for.

00:53:38:18 - 00:53:51:11

And that was rep for 117 that the applicant responded to a deadline. Five and it's rep 5065.

00:53:53:10 - 00:54:27:00

Mr. Bibby, your request to participate today, which is rep 5111, identified three points that they want to speak on. Um, before I invite you to do so, there are two matters that I want to to clarify with you. And that's firstly further to your participation in the first compulsory acquisition hearing, the examining authority's further written questions. That was Pd-11, it included or sorry, PD zero one.

00:54:27:02 - 00:54:56:08

It included one for the applicant that pursued the issue. You set out in the third point of your email, um, in answering this question, which was pure 2615 and its response to the examining authority's written questions. Rep 500. Have you had a chance to consider its response? And if not, can I just get you to note it down to have a look at in due course?

00:54:57:24 - 00:55:08:18

Yes. I'm not too sure if I'm familiar with that, to be honest with you, I will, I will, um, I will sort of aim to view that and respond, if I may. Yes, subsequently.

00:55:08:27 - 00:55:46:24

Thank you. Yes. I think it would be useful, maybe in just appraising yourself of where the applicant stands. Um, so hopefully that would be of assistance going forward. So that was the third point that you wanted to raise today. The first two issues that you've identified, they seem to refer exclusively to the voluntary agreement that's being negotiated between the applicant and your client, and the related matters that the examining authority hasn't actually got jurisdiction over, um, because they're to do with the voluntary agreement that the applicants let us land rights tracker.

00:55:46:26 - 00:56:21:09

And that's web 5085 says that the applicant's agent issued heads of terms for the voluntary rights being sought on the 27th of November, which reflect the updates and requests made in accordance with the Land Interests written submission, which was your rep for 117 and discussion on the land interests are ongoing. Has any progress, from your perspective been made on foot of the issue of the heads of terms?

00:56:23:12 - 00:57:06:09

We've had, um, updated heads of terms from the applicants. There has been correspondence, but the correspondence requested really that the um, from our from our perspective that the applicants Was, um, based on the actual submissions that we made, uh, to the examining authority, we asked whether the, uh, draft heads of terms could be amended accordingly. Um, but it's been reverted to us to, um, provide amendments, um, to the heads of terms which have not yet been undertaken and which we will be looking at as soon as possible.

00:57:10:13 - 00:57:13:01

Thank you. That's a useful update.

00:57:13:28 - 00:57:28:17

However, we had we had hope that that's by providing the submission that we did to the applicant that they would have been able to amend and provide us with proposals. But uh, uh, it's been left to ourselves, so we will aim to do so.

00:57:30:03 - 00:57:41:16

Thank you, Mr. Bibby. Was there anything else that you wanted to raise over and above what we have in your, um, email of the 4th of December before I hand over to the applicant.

00:57:42:03 - 00:58:06:09

It was merely really to proceed, if I may. Um, and just to add 1 or 2 points. Um, I'm going to understand that a discrepancy has been identified as a result of this process between what our client

considers they own and what is currently registered with the Land registry. That's the first point, as applicable to my submission on the 4th of December.

00:58:08:01 - 00:58:58:06

Um, now, my instructions are that whilst my client has no objection to granting temporary access for, uh, surveys, uh, subject to a voluntary agreement, um, as building and civil engineers themselves, it is not understood going. Um, given the proposed depth of the cables and the ground, why access rights would otherwise be required temporarily and in perpetuity see what's shown on the land map. Other than rights for the cables to be installed and exist underground, such are the rights and restricted covenants proposed in table two of the Book of Reference are considered by our client to be, um, to result in unnecessarily sterilizing, uh, the subject affected land both temporarily and permanently.

00:58:59:10 - 00:59:18:06

Uh, therefore, our clients, uh, would ask for those rights and restrictive covenants as proposed to be to be excluded. So you made reference to this being outside the examining authority's jurisdiction. I thought that this would be within the examining authority's jurisdiction. Forgive me.

00:59:19:04 - 00:59:58:24

No. When when it comes to the voluntary agreement and compensation, Mr. Bibby, that's that's what's outside our jurisdiction. Um, but certainly the the issue of, um, if there's something that's perceived not to be correct with regard to the book of reference on the the land, um, the land plans and the work plans. That's, that's very much of concern. And I'm sure I'll hear from the applicant on that. I think a date from from memory. And given the volume of evidence that there has been to try and, um, deal with since last week, I think that they did touch on it, their submission.

00:59:58:26 - 01:00:31:12

But just as regards the restrictive covenant, um, there was a question that was posed to the applicant by the examining authority about the the variation of the restrictive covenant. Um, and as I say, we did get a response to that. And that's what I was referring you to, not by way of saying don't raise it today, but as I say, just just just for your own benefit. So can I hand over to the applicant, Mr. Bibby, or is there anything else that you want to add before we hear from them?

01:00:32:03 - 01:00:34:01

Not at this stage. Thank you very much.

01:00:34:15 - 01:00:37:07

Thank you. If I can hear from the applicant, please.

01:00:39:16 - 01:00:49:19

Ellie Dakin, on behalf of the applicant. Um, I think just to add to the point around the voluntary agreement. Um, I did revert back to Mr. Bibby with some amendments to the terms.

01:00:49:21 - 01:00:50:07

I think.

01:00:50:09 - 01:01:00:29

On the understanding that he's come back to say they're not acceptable and not what was expected. I've asked that he reverts with his comments instead. Um, so I just wanted to make that clear.

01:01:04:07 - 01:01:05:18

Just let me make a note.

01:01:09:04 - 01:01:23:25

Mistaken. Is my, um, memory failing me that there was some response in the applicants deadline five submission about the issue of contested land ownership.

01:01:26:16 - 01:01:27:25

Could you help me with that?

01:01:29:29 - 01:01:46:09

Ellie Dakin, on behalf of the applicant. Um, I would have to refresh my memory on that. But I do know that there are some, um, discrepancies, I think, with ownership and occupation in that area. From a site meeting we had with Mr. Bibby and his client, I think maybe last year.

01:01:49:08 - 01:02:05:04

And was that something that was, uh, followed up on, examined and interrogated in respect of the book of reference on the the land plans and the work with the land plans that are in front of the examination at present.

01:02:07:13 - 01:02:26:28

Taken on behalf of the applicant. Yes. Um, so we did additional, um, due diligence in the area to confirm ownership. And we've been corresponding with, um, a neighboring landowners, uh, to understand ownership there. So we think the book of reference and land plans are correct as the, as we understand the ownership.

01:02:27:27 - 01:02:32:10

So on foot of, uh, Mr. Bibi's, um,

01:02:33:29 - 01:02:55:07

email of the 4th of December, which is, uh, rep 5111. Will the applicant be undertaking any further investigation and respect of those discrepancies, which have been, um, reported to the examining authority by the effective party?

01:03:02:14 - 01:03:06:25

Taken on behalf of the applicant, I think if we can take that one away and come back to you.

01:03:08:29 - 01:03:24:08

Thank you. Um, that would certainly be helpful. I get that noted as an action point place. Is there anything else mistaken that you want to add in respect of Mr. Bibi's client at this stage?

01:03:27:13 - 01:03:29:24

Have you taken on behalf of the applicant? No. Thank you.

01:03:30:19 - 01:03:36:09

Thank you. Mistaken. Mr. Bibby, is there anything that you want to come back on or to add.

01:03:37:07 - 01:04:08:28

Just on the point of land ownership on the book of reference. Um, there are certain plots which are referred to in multiple names, multiple separate bodies or entities. Um, which is causing a degree of confusion. Um, which seems to indicate that I think the reference I think the, the category one heading

is referred to as owners or reputed owners. So it doesn't appear to me that the the position has been bottomed out.

01:04:09:23 - 01:04:13:27

Um, and that's certainly the impression that I'm getting from our client.

01:04:16:12 - 01:04:16:29

Can I ask?

01:04:17:19 - 01:04:26:12

Sorry, Mr.. Sorry. Sorry. Can I ask the applicant if if that's if it's a matter of, um.

01:04:28:03 - 01:04:43:15

potentially clarification that's needed on the book of reference rather than a particular dispute. Is that something that could be addressed fairly quickly by a teams meeting or some exchange between the parties?

01:04:59:27 - 01:05:30:14

Um, Lasdun, on behalf of the applicant, um, I think the plot we're talking about is I think of is plot 02022. Uh, Mr. Bibby will correct me if I'm haven't got the right plots here. Uh, or 02023 where the applicant where this is unregistered land currently. Um, and the applicant has, um, put in the Mr.

01:05:30:16 - 01:05:41:10

Jennings here as the reputed owner, as well as Mr. Baker as reputed owner, on the basis that they are the adjacent landowners.

01:05:43:14 - 01:06:10:15

So I'm not sure it's unregistered land. Therefore, the applicant isn't in a position to make any further save. Save doing another land registry check to check whether that land has been registered. And I think we've done various land registry refreshes as we've as we've gone forward. So those reputed owners are put in on the basis of adjacent land owners. So it's an assumed land owner effectively, and we have treated it on that basis.

01:06:15:13 - 01:06:24:04

Mr. Webb, do you have any, um, contrary evidence to that position that the applicant stated.

01:06:25:14 - 01:06:28:27

As mentioned, um, the

01:06:30:21 - 01:07:17:27

um, it's it's come to our client's attention that there is an element of discrepancy with regard to what is, what is shown as being registered and what is believed to be in their ownership. Our client has informed us that they are have instructed their solicitor, uh, to, uh, seek to address this this particular matter with the Land Registry. Um, but there are a number of plot numbers which appear to have multiple names, um, allocated to them, including, for instance, plots 02015020160201702018.

01:07:22:21 - 01:07:27:24

02 0210 2022.

01:07:31:20 - 01:07:34:16

And. 02024.

01:07:37:09 - 01:07:53:15

So those are the plots that have multiple names allocated to them. And no doubt I can understand from the applicant's perspective, that is no doubt to try and protect the particular interest as it is as a significant portion of that area appears to be unregistered.

01:07:55:07 - 01:08:05:19

Mr. Bibby, and again, I don't want me to be so bold as to try and put words in your mouth. My understanding of the situation as it currently stands,

01:08:07:12 - 01:09:00:25

the applicant has done a check of the land registry which has informed their book of reference. So that's on one side. On the other hand, you're saying that the client and another have instructed their solicitor to pursue the matter. But it sounds from my understanding. As things stand at the minute, neither of you are in the wrong because that the challenge is to the accuracy, to the correctness of the land registry records, as opposed to the evidence that the applicant has put in front of the examining authority, which is based on the current land registry records.

01:09:01:00 - 01:09:21:24

So it sounds as if it's a matter for the Land Registry to adjudicate on, rather than the examining authority to investigate. Have I got the basic understanding of your Client's current position, right?

01:09:23:17 - 01:09:37:04

Yes. You have, and it's not. It's not that I'm. I'm sort of expecting the examining authority to adjudicate on this particular matter. It was just raising it just to make sure the parties are aware of the of the current position.

01:09:37:23 - 01:10:12:02

Not. No. Um, no apology necessary, Mr. Pepper. I didn't I didn't mean to give that impression, but as I said to you, if something had been raised about the possible inaccuracy of the book of reference, the land plans, of course, that's something that we need to investigate. Um, so I think that certainly provided us with the, the evidence that, that, that we need to to understand that it's something that that is ongoing, um, and has been, has or will be flagged up to the Land Registry.

01:10:12:11 - 01:10:17:27

So thank you for that. Is there anything the applicant. Sorry, Mr. Bibby, do come back on that.

01:10:17:29 - 01:10:21:05

Not sorry. Yes, it was merely a point of clarity more than anything else.

01:10:21:23 - 01:10:28:23

And parties are always good. We can achieve that. Thank you. Is there anything that the applicant wants to come back on?

01:10:31:14 - 01:11:02:04

Less than on behalf of the applicant? Um, no, I think I think I think we're all saying the same thing in a slightly different way, which is that the applicant, uh, undertook its due diligence to put together the book of reference based on land registry information plus information that had been secured from



landowners where that was provided. And assumption was made because this is unregistered land. These are these are slivers of registered land around the railway and the road, which is very normal.

01:11:02:11 - 01:11:49:23

Um, when you have that, that sort of situation, um, and uh, it sounds like Mr. Bibi's clients are making an application for ownership of that land to be claiming honour, whether it's on an adverse possession basis or whatever, that they they should be the reputed owner of that land as and when there is a confirmation as to that having been proved in evidence, then then, uh, that will be updated at the Land Registry and whoever it is that can claim title to those particular bits of land, um, will be, uh, entitled to whatever, uh, if it's a permanent right, would be entitled to a compensatory interest, um, as and when the scheme comes forward or indeed to have a voluntary agreement in place.

01:11:49:25 - 01:12:12:22

And that's exactly why the applicant has taken the position of, of contacting and showing his reputed owners, those landowners on each side, to take a cautious position in the event that those, those landowners actually become the the owners that are, that are registered that and has indeed been treating the Jennings as if they were the owners of those those plots.

01:12:13:26 - 01:12:22:21

Okay. Thank you. Mr.. on. I'm certainly clearer on the applicant's position after that submission. Mr. Bibby, is there anything you want to add?

01:12:24:10 - 01:12:55:08

Yes, I think it just to be clear. Sorry, in case I misunderstood, um, the applicant's response there. It's the only areas that have been treated as our clients land are those that have been registered, of course, with the Land Registry at this moment in time. Those are the only ones that have been regarded formally as being treated in, in, in respect of our clients, um, in respect of our client's ownership as applicable to our clients ownership, I should say.

01:12:56:07 - 01:13:02:15

Thank you for that. Mr.. Mr.. Is there anything that that you want to add on Jennings behalf?

01:13:03:25 - 01:13:35:09

Yes. It's really just to understand more the position with regard to, um, the permanent and temporary rights and restrictive covenants, uh, required given that this these cables are due to be at, at a well at a significant depth below ground. Um, if it would be helpful to understand the applicant's, um, position as to why such rights are deemed necessary in this particular instance with regard to, i.e.,

01:13:35:11 - 01:13:47:21

those rights and restrictive covenants that would, um, sterilize our client's opportunity to redevelop this particular land that's in their ownership.

01:13:49:14 - 01:14:53:22

Mr. Webb, that was a point that you raised at the last compulsory acquisition hearing that the Exa did follow up on with the question that I've mentioned, I think it would be useful if I just read out the response that the applicant provided us with because it might actually, um, truncate the, the, the discussion. Um, The applicant said that the restrictive covenant at point um A to B of article 20 of the Development Consent order for plot 020 24 states a restrictive covenant over the land for the benefit of the remainder of the order land to be prevent anything to be done by way of excavation of any kind

in the land, nor any activities which would alter, increase, or decrease ground cover or soil levels by greater than one metre whatsoever, without the consent and writing of the Undertaker.

01:14:54:14 - 01:15:30:09

So, having quoted that from the Draft Development Consent Order, the applicants said that this restriction applies to all plots where the applicant's works would be installed below existing infrastructure and doesn't affect works to the surface of the land. Any consent required to a proposed development from the landowner would be a private legal matter between the landowner occupier and the applicant, and as long as there was no potential for an effect on the applicant's infrastructure, there would be no reason to withhold consent.

01:15:31:17 - 01:15:36:29

Does not assistance in any way, or is there something else that you want to explore?

01:15:38:07 - 01:15:42:22

I just asked for that particular reference number again as well, if I may.

01:15:42:24 - 01:15:47:00

And of course, um, the.

01:15:49:21 - 01:15:50:25

Sorry. Just bear with me.

01:15:54:15 - 01:15:55:14

The.

01:15:58:13 - 01:16:06:27

That was the applicant's response to the examining authority's written questions. It's rep

01:16:08:20 - 01:16:19:17

Eight zero under page 27 of that document. And that was that was in response to um.

01:16:22:00 - 01:16:33:26

Question Q 2.6.15 of the Examining Authority's second set of written questions.

01:16:34:28 - 01:17:02:03

Sorry, that was question two. 6.6.15. Did you say 0.2 5Q2 .6.15. Thank you. Would it be possible for me to have the opportunity just to have a look at that and either come back in in any other questions or later on? Um, and, or alternatively in subsequent correspondence?

01:17:02:19 - 01:17:44:11

That sounds eminently sensible, Mr. Bibby. Whatever of the two that if you want to come back in? What I've heard from the remaining two parties, just let me know. Um, and of course, there's the opportunity to come back on that in writing. Um, I don't want to disenfranchise you on the issue, but I think that certainly if you had the chance to have a read of that question that I posed specifically on foot of the points, those points that you raised that are at our last meeting? Um, if you appraised yourself of that on the applicant's response that it might just help move things along.

01:17:44:13 - 01:17:56:04

So if you want to come back later this afternoon when I've heard from, um, Foster's on behalf of the caf in the state, that's fine. Just just let us know. Or of course, come back and writing.

01:17:56:29 - 01:17:59:17

Thank you very much. So I welcome that opportunity.

01:18:00:06 - 01:18:10:00

You're more than welcome from the applicant's perspective is can I move on or adjourn Adjourned her break. Is there anything else you want to say in respect of Jennings?

01:18:11:03 - 01:18:14:11

Uh, Liz Dunn, on behalf of the applicant. No, nothing further to say.

01:18:14:29 - 01:18:19:17

Okay. Thanks, Mr. Bibby. Maybe I'll hear from you later.

01:18:20:12 - 01:18:21:03

Thank you very much.

01:18:21:12 - 01:18:43:00

Okay. Thank you. I think that's an appropriate juncture to take a short break, given that we have been going, um, since half one. So it's 1449 at present. If we resume at 3:05, please. So I'll see you then at 3:05. Thank you.