



## Hearing Transcript

<b>Project:</b>	Byers Gill Solar
<b>Hearing:</b>	Compulsory Acquisition Hearing 1 (CAH1)
<b>Date:</b>	14 October 2024

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# TRANSCRIPT\_BYERSGILL\_CAH1\_SESSION 1\_16102024

Thu, Oct 17, 2024 11:51AM • 1:27:41

00:04

Hello, good afternoon, welcome. Can I just confirm that everybody can hear me clearly? Yes, thank you very much. Can I also confirm with Mr. Shrimplink that the live streaming and recording of this event has started? Yes. Thank you very much for those people watching the live stream. Can I also advise that, should we at any point adjourn proceedings this afternoon, we will have to stop the live stream in order to give us clear recording files as a result. At the point at which we recommend meeting and restart the live stream, you'll need to refresh your browser page to view the restarted stream. I will remind you of this again. Should we need to adjourn? It is now four o'clock and it's time for this hearing to begin. I would like to welcome you all to this compulsory acquisition here, hearing, dealing with the applicants, overall case for compulsory acquisition and temporary possession and site plot specific issues for an application made by RWE renewable UK solar installed in storage company who we will refer to as the applicant for an order granting development consent for bioskill solar development purpose consists of a solar farm with over 50 megawatts capacity, ground mounted solar photovoltaic modules and associated mounting structures, inverters, transformers, switch gear and control equipment, a substation, energy storage equipment and underground on and off site cabling. Thank you all for attending this hearing. I am now going to ask my fellow panel, my fellow panel panel, my fellow panel members, to introduce themselves. My name is Andre Pinto. I am a charter town planner employed by the planning inspectorate, and I have been appointed by the Secretary of State for housing, communities and local government as lead member of the panel to examine this application in our over to my fellow my fellow panel members,

02:07

good afternoon. My name is Max Wiltshire. I'm a chartered civil engineer employed by the planning inspectorate, been appointed by the Secretary of State for housing, communities and local government as a member of the panel of inspectors to examine this application. Do Good

02:22

afternoon. My name is Alex oyebade. I'm a chartered transport planner employed by the planning inspectorate, and I've been appointed by the Secretary of State for housing, communities and local government to be a member of the panel to examine this application together, we constitute the examining authority and will be reporting to the Secretary of State for energy security and net zero with a recommendation as to whether the development consent order should be made. The case manager for this project is Jenny savage. Jenny is being supported here today by Miss Rebecca Luxton and Emory Williams from the planning spectrum is always is also in attendance. If you have any queries about the examination process or the technology we are using for virtual events, they should be your

first point of contact. The contact details can be found at the top of any letter you have received from us on the project page of the national infrastructure website. I will now deal with a few housekeeping matters for those attending in person, can please everyone make sure to set their phones to silent, and the closest toilets are inclusive and female toilets just outside of this room, on this floor, through the same doors you have used to enter the room earlier. There are additional toilets just by the snack bar on the first floor. There are no fire evacuation tests planned for today. Should the fire alarm sound, please make your way to the nearest fire exit door using the fire doors marked in this room and head downstairs. Fire evacuation assembly point is the square outside the main entrance to this building. Today is a hybrid event, meaning that some of you are present with us at the hearing venue, and some of you are joining us virtually, using Microsoft, Microsoft Teams for those people observing or participating through teams. Can you please make sure that you stay muted unless you are speaking. If you are participating virtually and you wish to speak at relevant point in proceedings, please use the hand up function. Please be patient, as we may not get to you immediately, but we'll invite you to speak at the appropriate time. We will make sure that however you decide to participate today, you'll be given a fair opportunity. Are any questions on any of what I have just set out? I don't see any hands raised in the room or virtually, so I will move on. In addition to the live stream, a recording of today's hearing will be made available on the bias guild solar section of the national. Infrastructure planning website, as soon as practicable after the meeting has finished, with this in mind, please ensure that you speak clearly into the microphone, setting your name and who you are representing each time before you speak for those at the table, you can do that by pressing the large button at the base of the microphone. If you are not at a table with a microphone. There is a roving microphone, so please wait for one of those to be brought to you before you speak.

05:30

If you are attending virtually and do not want your image to be recorded, you can switch off your camera. For those in the room that do not want to be recorded, there is an area at very back of the room out of camera shot, so please use that area, because the digital recordings that we make are retained and published. They form a public record that can contain your personal information into which the general data protection regulations apply only in the rarest of circumstances. Might we ask you to provide personal information of the type that most of us would prefer to keep private or confidential, therefore, to avoid the need to edit digital recordings, please try your best not to add information to the public records that you would wish to keep private or is confidential. If you feel that personal information is necessary, please provide this in a written document that we can redact before publication. The planning inspectorates practice is to retain and publish recordings for a period of five years from Secretary of State decision, a link to the planning inspectorates privacy notice was provided in the rule six letter. I assume that everybody here today has familiarized themselves with this document, which establishes how the personal data of our customers is handled in accordance with principles set out in data protection laws. Please speak to Jenny savage if you have any questions about this. This meeting will follow the agenda that was published on the buyers guild solar project information page of the planning inspector website on the fourth of October. It will be helpful if you had a copy of this in front of you, and I'm now, and I am now going to ask the agenda to be displayed on the screen, please. Thank you. Can I also check if there is anyone that does not have an X, does not have access to an agenda? I don't see any hands raised in the room more virtually. So I would assume that everyone has an ex has access to an agenda. So very quickly, just confirm item item one is welcome introductions and

arrangements for this compulsory acquisition hearing. Item two will outline the purpose of the compulsory acquisition hearing. Item three will cover the applicant's case for compulsory acquisition and temporary possession. Item four will cover site specific issues for the applicant. Item five will cover site specific issues and representations by affected parties, affected persons, pardon. Item six will be site specific issues from statutory undertakers. Item Seven is review of issues and actions arising. Item eight will be any other business, and Item nine will be the closure of the hearing. We will conclude the hearing as soon as all relevant contributions have been made and all questions have been asked and responded to. But if discussions can't be concluded, then it may be necessary for us to prioritize matters and to defer other matters to written questions. Likewise, if you cannot answer the question being asked or require time to get information requested, then please, can you just indicate that you need to respond in writing, and we will advise you when it would be best submit your response or issue. It was in writing. Does anyone have any questions on what I have just set out? I don't see any hands raised in the room or online, so I will move on then, and I am going to then start with introductions. So can I ask those of you who are participating today to introduce yourselves when I state your organization, could you please introduce yourself, stating your name, who you are representing, and which agenda item you wish to speak on, if you are not representing an organization, please confirm your name, summarize your interest in the application and confirm the agenda item upon which you wish to speak. And please, could you also confirm how you would like to be addressed? And can I start with the applicant? Please,

09:32

sir, thank you. Good afternoon. My name is Alex menick. I'm a solicitor with Burgess salmon, and I'm representing the applicant RWE renewables, UK, solar and storage. I am joined to my right, your left, by Miss Laura Bing, who is a planner at Arup who has control of documents to share on screen. Should there be any more that you would like to see displayed to my left, your right? This is a client, Mr. Michael Baker, who is the DCA development project manager for RWE renewables. We are joined by other members of the applicants team. Should we need to bring them into the conversation? I'd propose to introduce them at that time, and we will likely be speaking across a range of agenda items during today's hearing. Thank you. Thank

10:21

you very much for that confirmation. Mr. Mcinnich, now, can I go to the local authorities and ask them to introduce themselves? Please, Darlington Borough Council first.

10:30

Thank you. I'm Lisa Hutchinson, Mrs. Lisa Hutchinson, development manager at Darlington Borough Council. On my right is Andrew Casey, head of highway network management for the council, we will not intend to speak to any particular item, but will answer questions as necessary. Thank you.

10:48

Thank you very much. And can I ask Stockton Borough Council if they would like to introduce themselves as well? Please

10:55

Good afternoon. Helen Boston, principal planner at Stockton Borough Council, and joining me online is Jacob mode, who is valuations assistant at Stockton Borough Council, and we are both available, should be required. Thank you.

11:09

Thank you very much.

11:20

Sorry, Miss Boston, could you confirm to me if you would like to be addressed as Miss or miss?

11:26

Helen spies.

11:28

Thank you. Okay.

11:35

Now, can I ask the parish councils if they would like to introduce themselves? I believe we have representatives from bishops and parish council.

11:46

Good evening. My name is Norman malaney. I'm happy to be addressed as Norman. I'm the chairman of Bishop and parish council. To my left is Stephen wall, who is a councilor with British bishopton

12:03

Stephen wall will be the gentleman to your left. Thank you very much.

12:18

Can I ask if we have a representative from bishopton villages action group as well with us.

12:25

Yeah, good afternoon, Mark Smith, representing bishopton villages Action Group. Happy to be addressed as Mark Smith, I don't plan to speak on any any of the issues in the agenda.

12:36

Thank you very much. Is there anyone else around disabled that I have not called? No, okay, I have registered that other people are with us, but I do not have anyone giving me prior notice that they would like to speak. Can I just confirm to those here with us in the room, if anyone would like to speak, they are planning on speaking. No, thank you for that confirmation. Can I confirm if there is anyone online joining us, online that would like to speak at this specific hearing? If you do, please raise the hand using the hand function. You

13:24

I can't see any hands raised online, so I am assuming that there is no one else that would like to speak today. So is there anyone that I have not called already that would like to speak today? No. Thank you very much. I propose that in that case, we move on, then into item two, then purpose of the compulsory acquisition hearing. So the purpose of this compulsory acquisition hearing is to examine the applicants overall case in relation to compulsory acquisition and or temporary possession, particularly ensure adequate examination of the provisions within the draft development consent order seeking to authorize the compulsory acquisition of land and all rights over land, assess whether the conditions relating to the land and all rights being required for the proposed development or required To facilitate or be incidental to that development are met assess whether there is a compelling case in the public interest for the land to be acquired compulsory and to discharge the examining authority's duty to hear Persons Affected by compulsory acquisition and or temporary possession, which are referred to As affected persons who requests, who request it to be heard, and number six, cover site specific issues for the applicant and statutory undertakers. Can I ask if anyone has any comments on the agenda that I have just set out? I. No comments around the table, and any comments online, I can't see any hands raised, so I'm assuming that no one has any comments on I have just said set out, as previously mentioned, the agenda for this meeting was published on the buyers guild solar project information page of the planning spectrum website on the fourth of October, today's hearing will be a structured discussion led by the examining authority. Please be sure that I am familiar with what you have already submitted to us so you don't have to repeat in life anything that you have already put to us in writing. Submissions carry equal weight regardless of the format in which they are put to us. If you do refer to any documents this afternoon, it would be helpful if you could give us the correct examination Library Reference number. Please do try to avoid using any acronyms as people who might be watching in the room or online might not be as familiar with those terms as you are. Are there any comments on item two of the agenda before I move us on to item three. In the room or online. I can't see any comments online, so I'll move us on to Item three then, which is the applicant's case for compulsory acquisition and temporary possession. In this item, I will want to discuss the applicant's case for compulsory acquisition, temporary possession. And I have actually provided a list, including apologies, including how the relevant statutory policy tests under the Planning Act, which 2008 which will refer to SP eight, 2008 including Section 122 Section 123 section 127 section 132 and section 138 and the department for communities and local government guidance related to compulsory acquisition would be met identification of the powers sought in their purpose, the applicant strategy and criteria for determining whether to seek powers for the compulsory acquisition of land, compulsory acquisition of rights or temporary possession of land, consideration of alternatives to compulsory requisition and or temporary possession of land, including those links to the off road cabling, option human rights considerations and to consider the structure in content of the book of reference. I believe the correct references are as 017 and as 018, and rep 2005, particularly in relation to changes made following the start of the examination process, a list of key written submissions that will inform my questions has been included in the agenda published in anticipation of this hearing. It is a long list, therefore did not propose to make to go through it in detail now, but can I ask if anyone has any comments on the list that was included in the agenda, or any items that I would like to add?

17:56

I don't see any hands raised online or classroom, so I will press on then. So I will start with my first question, which is directed at the applicant. So Section 122, of the Planning Act 2008 states that this

year, which includes compulsory acquisition powers, may be granted only if the conditions in Section 122, and 122 three of the 2008 acts are met in conditions to be met are that land is either required for the development to which the development consent order relates, or is required to facilitate or is incidental to the development. And there is a compelling case in the public interest for inclusion of powers of compulsory acquisition in the development consent order. On that basis, can the applicant please briefly present and justify its case for compulsory acquisition and temporary possession, and in doing so, please explain how the proposal addresses statutory and policy tests under the Planning Act 2008 and September 2013 guidance related to procedures for compulsory acquisition of land.

19:11

Sir. Thank you, Alex, men for the applicant. So I'm intending him replying to this question to make extensive reference to the statement of reasons, which is application document, A, P, P, 014, before I start. Would it help if we display that on screen? Or are you content that I simply refer to it as we go? Certainly.

19:29

Thank you.

19:31

Thank you. So the statement of reasons is the primary document, and the applicant makes reference to in respect of this question in terms of both satisfying the statutory and policy tests and also explaining the approach that the applicant has taken to promoting powers of compulsory acquisition as part of this development consent order Application section three, two. Of the statement of reasons is probably the best place to start, which outlines what the applicant's approach to negotiation to acquire by agreement, wherever possible has been, and the good progress that the applicant has made in that regard, and the limited scope of compulsory acquisition as a proportion of the order limits as a whole which is proposed as part of this DCR application. So section five then deals with the applicant's case for compulsory exposition. And this obviously speaks to Section 122, of the Planning Act, 2008 in particular. Section five, two deals with the relevant guidance and legislation in turn, including Section 122, and the applicant's position on compliance with relevant legislation and guidance is set out within that document. 5.3 of the statement of reasons then deals with the need for the land for which compulsory acquisition is sought, which, of course, speaks to the tests in Section 122, and then finally, section 5.4 of the statement of reasons addresses the compelling case in the public interest that it is the applicant's contention exists for the compulsory acquisition of the rights and temporary possession that it seeks as part of the order. Then other matters which are addressed in this section include section 5.6 which deals with funding requirements relating to compulsory acquisition. It is probably worth pausing there for a moment, sir and addressing section 123, which you refer to expressly in your agenda item, and that sets out a series of conditions, one of which must be satisfied for an order granting development consent to be capable of including compulsory purchase powers. The three conditions are one of any one of either. So they are exclusive conditions. It's not the case that all of them need to be met. The first is that the application for the order included a request for compulsory acquisition. The second is that all persons with an interest in land consent to the inclusion of the powers. And the third is that the prescribed procedure has been followed in relation to that land now. The second condition that the parties affected agree is clearly not satisfied. In some cases, progression has been made with the

voluntary negotiations, but it's not the applicant's case that that condition is satisfied. However, the application has included a request for the compulsory acquisition of land to be authorized so that first condition is satisfied and then the final condition relates to the prescribed procedure, which tends to relate to change requests where additional compulsory acquisition powers are sought. And we can perhaps come back to that later in the agenda, section 127, and section 138 which are referred to in your agenda item, relate to the acquisition of powers of rights or otherwise dealing in land which is statutory Undertaker's land, so land which is used by existing bodies that under whatever statutory provisions have that status of statutory Undertaker That is dealt with in Section 6.3 of the statement of reasons. And then so the final comment to make is as outlined at 6.1 and 6.2 of the statement of reasons. There is no Crown land, which I appreciate is not referred to in your question, but that would be dealt with under Section 135 of the five of the act. There is no Crown land within the order limits, so that provision is not relevant. Equally special category land, which is a term which is used to refer to the land affected the land referred to in section 132, of the Planning Act. It's also the case that there is no special category land within the order limits, I trust. So that provides a brief explanation of the power sort if there's more detail that it would be helpful to provide, I'm happy to do. So

24:35

yeah, yes, it does. And we have actually jumped across a couple of questions that I had prepared, but, but, but that is fine. That's a very good overview. So thank you very much for that. I'm sorry if I missed it, but the last point 6.3, statutory Undertaker land. Have you covered that on your on your brief summary now? Or

24:57

I mentioned it? So? In passing and like in the sense that the approach of the applicant? Could you just repeat that? Yeah, absolutely. So 6.3 of the statement of reason sets out the approach of the applicant to dealing with statutory Undertaker's land. There is statutory Undertaker's land within the order limits. There are restrictions on the ability to grant compulsory acquisition powers in certain situations in relation to statutory Undertaker's land, it's not the case, as far as I'm aware, that any statutory Undertaker has made the argument in these proceedings that there is a serious detriment to the carrying on of their undertaking. Which would be, which is one of the where's the test that needs to be made out under Section 127, if compulsory purchase order, compulsory purchase powers are not to be authorized in respect of statutory Undertaker's land, the applicant is in active dialog with a Number of statutory undertakers. There is a and so this comes up later on the agenda, but I may as well deal with the point. Now, there is a status of negotiations for statutory undertakers, which is an application,

26:12

and we'll want to go through that in detail for the one. Thank you. It was just confirmation of where we were standing with that specific point. Now, if I could actually take us back to if I could actually take us back to point 5.3 I believe yes. Apologies, 5.4 so one of the questions that I had for the applicant, in terms of segment of reasons, is that, considering how the overall assessment of the environmental statement, how many times actually, particularly in terms of the assessment and relationship with national policy, the link with critical national priority features, I was surprised to actually notice that it's only referenced once within your statement of reasons, particularly in terms of providing compelling case in the public interest, which is under 5.4 I would like to ask the applicant if they would they have



considered if that would have been a helpful reference to include on that specific point, and if they would like to include that if it's not included and cover this moment

27:42

sir. Alex manhone, for the applicant, thank you. It's a very good question. There is reference to critical national priority infrastructure and the status of the application and the proposed development being that critical national priority infrastructure that appears in section 5.3 yes of the statement of reasons which relates to the need for the land for which compulsory acquisition is sought. So yes, it is the applicant's case that that critical national priority infrastructure is relevant when it comes to the consideration of the compelling case in the public interest. So that the intention is that five three and five four are read together, so in the sense, when five four refers to the clearly established needs case for the proposed amendment, in principle, it is intending to incorporate that reference to the critical national priority which appears in the preceding section. I

28:37

accept that, but in terms of providing us further justification for the acceptance and the analysis of development consent order, it might be in the applicant's interest to consider if that issue should be repeated within 5.4 I take your point in terms of reading the whole document is together and as a whole, But considering the importance of that specific section, it might be worth considering if you can include reference to that specific issue.

29:08

So thank you. We will definitely take the point away and consider it and submit a revised version of that as where we get to.

29:15

Thank you very much. Section 5.7 of segment of reasons explains the applicant's compliance with human rights legislation relevant to determination of the application, what assessment, if any, has been made of defects upon individual affected persons in their private loss of land that would result from the exercise of the compulsory acquisition powers for each in all cases identified.

29:45

So the potential interference with individuals rights is and the consideration which has been given to those is described in this section, 5.7 of the statement of. Reasons, does that answer your question?

30:07

I was looking for a full question that would actually talk us through your analysis as set out in 5.7 in terms of compliance with Article One, Article Six and article eight, and why you have identified those as relevant articles, and what is the compliance

30:27

sir. Thank you. Certainly those articles are the ones which have been considered and they have been identified as being the ones that are potentially most relevant to the operation of the compulsory purchase powers, and not just most relevant, but the articles which are relevant to consideration of the

conclusion of the compulsory purchase powers within the DCO. Article One relates to the right to peaceful enjoyment of possessions. Article Six relates to the rights to a fair trial. And then article eight refers relates to the right to respect for private and family life, and so yes, in respect of the potential for the order to infringe on any of those rights which are protected by those articles of the Human Rights Act, the applicant has considered each of those in turn and explained compliance or why its case is that it is compliant with each of those articles in the remaining sections of the statement of reasons. Thank

31:33

you for that confirmation. I would now like us, like us to drive a little bit more on the strategy and criteria for determining whether to seek powers of compulsory acquisition of land, compulsory acquisition of rights, of rights, or temporary possession of land. The questions that I have prepared in advance were predicated on the fact that we would have covered some of this within the development cassette order hearing earlier, therefore, I might have to jump slightly within the agenda, and I hope that that is okay to all parties. But if I could ask then the applicant to, first of all, just explain in broad terms the strategy, and then I will actually come to more recent information that we have, that we have required from the applicant, that the applicant has submitted, particularly in response to procedural decision 002, which the applicant has already replied to and then submission as well of figure two point 13, underground cable routes, which is rep 2.022 which I will ask to be shared on screen, if I may. So question to the applicant, can you please explain your strategy and criteria for determining whether to seek powers of compulsory acquisition of land, compulsory acquisition of rights and temporary possession of land.

33:14

So absolutely. Thank you. Um, the I suppose the primary strategy of the applicant is to secure all rights and interests in land, or rights to possess land on a voluntary basis wherever possible. That has been its guiding approach, and that is evidenced in the fact that it has secured necessary interests in land by way of options over land to take a lease in respect of the solar array areas, and no powers of compulsory acquisition are therefore proposed in respect of those areas of the development. The areas where powers of compulsory acquisition are therefore required are relatively limited as an overall proportion of the order limits, and they principally relate to cable corridors. So the corridors by which panel areas would either be connected to one another and the on site substation or subsequently from the on site substation through to the point of connection with the national grid at the substation at Norton, the existing substation, which is there, if

34:33

I may, Mr. Minhinik, you have mentioned principally relate to that. Is it principally, or is exclusively? I was under the impression that it was exclusively, not principally,

34:48

sir. Thank you. I would need to track back to see exactly what I said, But I intended to refer to the powers of combined. Military acquisition or temporary possession that are being sought relate principally to those cable corridors there. And the only exception to the so there are, there are broadly two categories of land rights in a in the broader sense, which have been sought by the applicant through the DCO. Those are the cable corridors which are the land shown shaded blue on the land rights plans. The land plans, forgive me. And then there are some very small areas of green land, which

is land that the applicant has expressly identified as there been a need for temporary possession, in respect of which relates to the Western access to area A to the southwest of Craverton.

35:52

Thank you for I think that we are now displaying, and everyone can see the map with the reference that I have mentioned earlier. Thank you to the applicant for displaying that. Now, can I just confirm, then, following your intervention, Mr. Minghik, that in terms of I understand, in terms of temporary possession and CA, however, in terms of compulsory acquisition and compulsory acquisition only, can you please confirm if that is limited to the cabling route?

36:31

Yes, sir, the terms of compulsory acquisition powers which are sought in the dcl as submitted are limited to cable route corridors and the acquisition of rights over that land rather than the acquisition of the freehold land.

36:46

Okay, thank you very much for confirming that. Is there anything else that you would like to add on this question in terms of the strategy for compulsory acquisition of land, compulsory acquisition of rights, NTP of

36:57

land? So yes, just very briefly that the applicant has following guidance sought to obtain no more land and no more interests in land than it needs to deliver its scheme. So that's evident, for example, in the acquisition of rights over cable corridors rather than the acquisition of the freehold land, which the applicant does not consider that it needs to lay and maintain a cable in that land, and it's also evident in the overall limited extent of compulsory acquisition or temporary possession powers which are shown on the land plans.

37:31

Right? Thank you very much. And I would like to ask the applicant, and I know that this point was not circulated in the agenda, but the agenda was published when it was published with the information that we had available. Nevertheless, I would like to ask the applicant if they would like to make any reference to the intention to request submission the letter submitted to the planning Inspectorate in terms of their intention to submit a change request and how that links with compost requisition of land.

38:10

So thank you. Yes, the applicant has written to the examining authority with a notification to make it aware that it intends to submit a change request, and the applicant is grateful for the examining authority's procedural advice that has been provided in response to that notification, the applicant is in the course of preparing a change request which will be submitted to the examining authority. The intention is to submit that by the end of this week, on the 18th of October, and there are two changes which are would be the subject of that change request. Change two doesn't have any direct impact on compulsory acquisition power, so I won't refer to that any further. Change one, however, does seek to introduce powers of compulsory acquisition over subsoil interests beneath existing public highways

which are within the existing order limits. So I'll just expand on two elements of that explanation, if I may. The first point is that as part of change number one, the applicant is not seeking to add any land to the order limits that doesn't already fall within the order limits. The second point is that the land parcels which are affected by the change and the compulsory acquisition powers which the applicant is, is intending to seek authority to include in the order through the change request, are related to a strata of land within or beneath public highways, which is what we tend to refer to as subsoil, although that is a um. Um, it's not a term that has any technical meaning, but what what we mean to refer to it by is the strata of land beneath the public highway that vests in the owner of that subsoil, as compared to the ownership of the highway strata, which vests in the ownership of the highway authority.

40:26

Thank you very much. And just to confirm, the applicant, so far has written to the examining authority with information regarding the intention, and just to confirm and stress the point that you have made, that change request has not been formally submitted to the xi, just intention submitted change request. Building upon that, I would just like to clarify in terms of the reasons why that change that intention submitted change request has been submitted,

41:02

sir. Thank you. It's been prompted by questions from the examining authority and conversations that we've had in previous hearings. So when the applicant submitted the DCR application the way in so the land that we're referring to here tends to be shorthanded to the on road cable route. So it's that part of these cable runs where they run through along within existing public highways. We've had lengthy exchanges written and orally in hearings about the applicant's view as to how laying cables within those highways, it is the applicant's view that where those cables are laid in the highway strata, there is a statutory right which is provided principally through the new roads and street Works Act, which is incorporated into the development consent order, which would authorize the applicant to lay and then maintain those cables within that highway strata. The reason for the change request is to deal with the potential for cables to be considered to be Lane outside of that highway strata, within the land immediately beneath the highway, which does not vest in the local highway authority and instead is owned by subsoil owners. Now the identity of those subsoil owners is often not immediately apparent. There is a legal presumption which is applied whereby where that land is unregistered and there is no written record of ownership. It is presumed that the half width of the subsoil. So if you were to draw a longitudinal line along the middle of the road, each half width of subsoil is deemed there is a presumption that it is owned by the adjoining landowner. So that is the approach that the applicant has taken, and the inclusion of the powers and the the intended, sorry, the intention to make a request to include those powers within the development consent order is to deal with that potential view or conclusion that a party might reach that the cables are laid outside of the existing highway strata, and to deal with that, Justin and clarify

43:49

very quickly, Mr. Minghik, we requested the applicant considers that we did not request the compulsory acquisition here at the compulsory acquisition of the land. So I just want to make that perfectly clear that the examination, the examining authority, did not request compulsory acquisition of any land. Apologies for the records.

44:09

No, no, and forgive me if I said that expressly or intimated that to be the case. That wasn't my intention. But

44:16

thank you, but thank you very much for that explanation. I can the applicant confirm if, at the moment, how likely is it that you will be able to deliver the proposed development without any of the on road cabling route.

44:55

Sir, thank you. I. Think the answer to the question is that it is not possible for the applicant to deliver the development with without at least some on road cable crossings. And so we have the figure on screen behind you and in front of us. Forgive me, I forget the reference number, but the what are referred to as the fixed on road crossing points, which are the circles, which are half Amber, half black in color, are the locations where, regardless of where the remainder of the route runs, whether it's on road or off road, there is a public highway that the road that the cable must traverse, and therefore there are at least those small number of locations at which the cable will intersect with the public highway.

45:50

Thank you for confirming that. Now, Can I also ask the applicant to confirm how deep does the applicant believe that you will have to dig into the strata of land in order to be able to do the cabling and deliver that, that part of the development.

46:13

So the answer is that the cables will be laid within the top 1.2 meters, 1.2 meters of land, and we have set that out in a document that we have submitted to the examination. You'll have to forgive me, I can't remember exactly which one is. It's fine.

46:30

I just wanted to confirmation for that. Now, on this specific point, if I could go to Darlington Borough Council, because I understand it in your capacity as the highways authority, most, if not all, and we will come back to that specific point if there are any queries on that, but most, if not all, of the cabling option will be on roads that for which charlington Borough Council is the house authority does? Does Darlington Borough Council know how deep the strata of land goes on all of that stretch of road? Thank

47:21

you, sir. The answer is no, these are, in terms of the you're talking about the depth of the highway construction, yeah, yeah, it will vary. These are quite ancient roads. A lot of them, some of them are very minor construction. In many respects, probably three, 400 meter Mills on some of them, some of them will have been overlaid. We don't keep records of depth of carriage where we'd really our duties mainly to inspect and make good where we need to, where the top surfaces feel and flexible.

47:56

So just to give a little bit of context, perhaps will be useful. In terms of my question, my question is coming from a perspective that, as the applicant has confirmed, they believe that the articles within the DCO and the DCO as it is set, now gives them the powers that they need in order to light cabling under the highway, as long as they do not Hit the subsoil of the highway within the strata. So if the applicant is going to go to a maximum depth of 1.2 meters, if we could establish with Downton Borough Council how deep the highway goes, we would be able to make a very sound judgment in terms of, is this additional care required or not in order to deliver to proposed development? Yeah,

48:47

so you won't be able to provide that level of detail. It literally, you know, the carriageway depths vary a lot, and we don't keep a record of it. We would have to physically go and dig trial holes, but you could take a trial hole in one location another 100 meters down the road, okay, could be a different depth.

49:07

Thank you very much. Can I ask the applicant to then confirm if this situation is then linked with the change request, and that is the reason why you have submitted intention for the change request, then,

49:25

sir, thank you. Before answering that question, just to stress that the 1.2 meters is a maximum depth, it's not necessarily the case that it would

49:33

have this and will have to always assess the worst case scenario. Therefore, the 1.2 meters

49:38

of course, of course, no sir, remains the applicant's case that the these cables would be laid within the highway. There is no new information which has come to light which has led the applicant to consider that position to have changed. Changed. Establishing the precise depth of a highway can be difficult, as a matter of fact, in any given situation, but the applicant remains to the view that these cables would be laid within the depth of the highway. The position that has changed is that reflecting on the challenges that have been raised, the questions that have been asked, and to provide all necessary confidences that in the event there is any prospect that these cables would be laid in subsoil, rather than highway land, that the necessary rights to do so would be provided for by the DCO. That's the that's the underlying rationale and motive behind making the change request.

50:50

Thank you for that clarification. Mr. Minhinik, however, the examining authority is somewhat not clear why that is the applicant's position. When we just heard from the local authority and the highways authority that actually they cannot confirm the depth of the strata. So how are you able to sustain that position and justify that as part of your compulsory acquisition? When we cannot get a confirmation of how deep the strata goes from the highways authority, and as we have established, we need to look at the worst case scenario, and you have confirmed that it will be 1.2 meters. So I'm not, still clear, how can that be the applicant's position?

51:54

Sarah, I think the the applicant takes that position, that the cables are likely to be within the highway strata on the basis of its experience and its wider team's experience of how cables of various sort, utilities of different types, tend to be laid In public highways in different areas of the country, and we have the local authorities here with us today. So I don't know if it would be useful to have a conversation about approaches to the grant of Section 50 licenses on a on a wider basis by the local authority for other projects. I think

52:38

it might be useful for the applicants to have those conversations with the highways authority in terms of establishing that and then report back to the examining authority in terms of the result of those conversations. But I do feel that at this point in time when the information that has been presented to us, I cannot fully comprehend and justify the applicant's position when the local authority cannot confirm the depth of the highway and how deep the strata goes.

53:15

I think I understand your your position, sir. I think the applicant's response is that it is perhaps that uncertainty which the contingency of seeking to include those subsoil compulsion, acquisition rights within the order is addressing. It's they're intended to be

53:36

a contingency, exactly. And thank you for confirming that in the fall, then the Xi would actually expect that the applicant's position, in terms of statement of reasons and also of different documents that deal with the CIA, would actually reflect that new position. Otherwise, the linkage between those documents and then the change request will make the excess position in terms of coming to a very clear view on the applicant's overall need for CA, more difficult.

54:18

Thank you. Sarah, understood, we all take that, take that into account in the amendments which are being prepared to the statement of reasons as part of the change request, and we will take her up on your prompt of talking to the local authorities about Section 50 licenses. That's a good idea. Thank you. Thank

54:35

you very much. Can I just ask the How was authority? If you would be happy with that,

54:44

we certainly would be service with normal price that we take with any any street works that are going on, and we always encourage early, early discussions. So yeah, thank

54:55

you, Mr. Casey, thank you, right. And. Can I just ask very quickly, if anyone would like to ask any further questions on this specific point? Yes. Ms, Boston, hi.

55:10

It's just a couple of points of clarification that we just want to raise. If that's possible. Absolutely. Thank you. So in paragraph 6.2 mill section 6.2 it mentions that none of the land within the order limits is open space, common land, fuel or field or garden allotment. Actually, two of the parcels of land within Stockton Borough Council are classified as open space, and they are plots 1314, and 13 slash 16. So they're both falling open space. And I think it's just further clarification that we've had a very limited correspondence with the developer in terms of any kind of compulsory acquisitions have been stopped, and obviously far passes are listed, we have reached out to them and are seeking to have those discussions with them. Thank

55:57

you very much. Miss Boston, can I ask the applicant if they would like to comment on that, please,

56:04

sir, thank you, and thank you to Helen Boston for flagging that point. It is certainly something that we will follow up with the Council on and look into. Clearly that wasn't the applicant understanding today, so we're looking to that. And if that is the case, obviously deal with things appropriately. I'm afraid I didn't quite get a list of those parcel numbers, so I don't know if it would be possible for Miss Boston to repeat them.

56:35

Yep. So the parcels are within the open space. Are 13 slash 14, and 1316, so I love Alex lane. It's a castle leader walkway.

56:48

And Miss Boston. Just for the avoidance of any doubt, following today's hearing, can ask to actually make that submission, inviting to us that next deadline as well as part of your post hearing submission absolutely

56:58

possible. Thank

56:59

you very much. Thank you. Is that clear for the applicant now in terms of the land plots? Yes,

57:05

yes.

57:06

Okay, thank you very much. Excuse

57:08

us. Can Can I just for the record? Can I just ask you to



57:12

introduce yourself, Mr. Casey, so that you have to record? Thank you.

57:16

I'm Andrew Casey, highway network management down. It's just that you mentioned earlier that the affected highways were predominantly or entirely within Dalton Council that's not actually the case. As a substantial section in Stockton council area as well, particularly on the approach. Apologies. Thank you for that correction. And there's also a small section in Durham, so when we do have the conversations with the applicant, will include all three high authorities. Okay,

57:43

thank you. Thank you very much for that confirmation in that case, then can I please ask that to be part of Darlington's submission as well post hearing with a clear with a clear reasoning and a clear identification, apologies, clear identification of the of stretches of land that are not within your within your responsibility as highways authority, and for that information to then be looked at by the applicant as well. Any further comments on this point that anyone would like to make online? No, I don't see any hands raised, so I will then move us on. Then to my next question, which is for the applicant. So can the applicant please confirm where on a side by side basis, it sets out its justification for the land extent, for the extent of land requested within the order, and particularly in terms of that plots of land that are going to be compulsory, acquired or used temporarily. I

59:03

so alexman and ex the applicant, so that principally takes place within the statement of reasons. And the relevant sections to consider are, I believe they are, section four of the statement of reasons, and then Appendix A, A which outlines the plots over which those powers have been sought.

59:32

Thank you for that confirmation. It obviously linked with the discussions that we had early in terms of the intention to submit change request, I would just like to now notify the applicant that we would be expecting these specific appendices and documents to then reflect any changes that come through. So can I take that as an action? Please? Thank you.

59:57

Thank you, sir. Yes. We. We were conscious that that schedule needs to be updated. Sorry, the appendix needs to be updated as part of the change request application documents, together with the corresponding schedules in the development consent order.

1:00:12

Okay. Thank you very much. So I'm mindful that appendix B is included schedule of negotiations, and I'm proposing that actually we go through it later on in the specific hearing, so I will just park that for the time being. And my my last question for the applicant is, can you please talk us through your your reasoning and justification through the changes to the book of reference, as set out in the schedule of changes which reference is as 018, please,

1:00:58

sir. Alex menenock, for the applicant, I will just have to remind myself of what those changes were before answering the question. So if I could have 30 seconds to do so or a minute, that would be very helpful. That's fine. Thank you. Applause.

1:01:32

Uh, Sarah alexman hinck for the applicant. So I'm afraid we are slightly hamstrung by the fact that our land referencing expert who has primary responsibility for keeping the book a reference up to date isn't able to be at this hearing on account of having tested positive for covid recently. What I can explain is that the reason for the change in the document that you've referred us to is explained within the schedule of changes, and it's part of the applicant's ongoing review of interests and refreshes of non registry information, where new information has come to light, which means that the position as outlined in the book of reference at the point of submission is no longer the applicant's best understanding of interests in the relevant parcels of land, and that's reflected in the changes which have been made. Okay,

1:02:29

thank you for that. I will not require an action for submission of a new one, because that is already set on the deadlines, but it's noted the position of the applicant at this point in time, particularly regarding the witness. So I am actually going to propose that we finish this specific item of the hearing, which is the applicant's case for compulsory acquisition and temporary possession. Before I do finish this item. Are there any further questions that anyone would like to raise in the room or online before we move on. I don't see any hands raised, so I will, in that case, move us on to Item four, which is site specific issues for the applicant. So can I ask the applicant to please confirm if the latest version of the composer acquisition schedule in that I believe is rep 3012, lists, as far as the applicant is aware, all the ongoing negotiations with affected persons. Applause,

1:03:44

um, Sarah alexman in it for the applicant. That schedule was submitted at deadline three, which was now several weeks ago, so it was up to date at the point of submission. Obviously, negotiations are continuing with those parties, so I'm told there are some minor changes in the position. Since we can

1:04:04

go through those changes, then please,

1:04:08

thank you. Inspector Michael Baker, for the applicant, I'll run through names of landowners as they are listed in that schedule. So

1:04:15

actually, it would be easy for me, if you wouldn't mind. Mr. Baker, if we actually go through each one of the unique reference numbers, and then you can confirm to me if there is a change or there isn't a change. And then we'll go through those changes. So if we look at compulsory acquisition schedule document, which is reference that I have just mentioned, web three Oh 12, I

1:04:44

yeah, thank you. Just everything's in a different order. So if you forgive me, I might have to look at things. But yeah, sure.

1:04:49

Hence why I am asking you to actually do it this way, because that will be easy for me to go through it. So I'm happy for you. To organize it in that way, please.

1:05:02

So in terms of unique reference number 12, we do have the form of the documents agreed, and so once we have some title deeds that we're awaiting, we can finalize those documents and prepare for exchange. Everybody. Have to do this at a landowner, so bear with me.

1:05:31

In terms of unique reference number nine, we do have the documents agreed, and we are preparing for exchange. I understand there are some third party consents that we're awaiting that's usually related to mortgage companies,

1:05:55

in terms of unique reference number 11, the documents we're just awaiting feedback on the draft of the documents, and those are being chased with the legal teams involved.

1:06:12

Unique document reference 20 the four of the documents have been generally agreed, and we are just awaiting to exchange on those as well,

1:06:32

the unique reference number one, The documents are agreed. Are we preparing for exchange? And you need reference number 22 a same position as in. We are just awaiting exchange.

1:06:59

Unique reference number 18. Those documents are agreed, and we're preparing for exchange.

1:07:11

And unique reference number six, same position as before. We are awaiting for exchange. You

1:07:24

in terms of unit reference for and 13, the documents are agreed, agreed, and we're just waiting for a land rest land registry update so we can proceed to exchange.

1:07:42

So just said apologies. You said 13 and four, just

1:07:45

13 and four, yeah. So, yes, the same family, but different landowners within that

1:07:49

family, the names are different. We have Frank Battersby. Andrew, yeah, in Norma. Andrew,

1:07:58

yeah, I understand the husband and wife, but they have different interests in the lab. Okay, thank you for the signing at the same time. Okay, familiar

1:08:12

in terms of unique reference number seven, again, documents are agreed and we're preparing for exchange. I

1:08:24

And in terms of unique reference number 14, we are awaiting some unregistered title deeds, but they are sorry. Unique reference number five, we are awaiting some unregistered title deeds, but the form of documents are agreed as based on other landowners agreements with the same lawyer. So that's the position, I think I will comment, that if you've ever bought a house, you know things can be agreed, and then it takes time for everybody to still sign the contract. And so when we say that documents are agreed. That's a really good stage, and we are just waiting for the signatures to go around.

1:09:05

So we do have, we do have some outstanding ones. And how confident are you that those that are outstanding will be agreed within the examining, within some of the examination? So

1:09:16

there are some names in this schedule where we have a response to the landowner's request. We've not continued to have a conversation about a voluntary agreement. In those cases, we don't expect that we'd be able to reach agreement during the examination period.

1:09:30

And which are delfts, please?

1:09:35

That would be I

1:09:52

uh, so you need reference 15. Unique reference 10 would

1:09:58

be 15 would be. Peter, Charles, Peter Charles Robson and the executor exec tricks of Eric calendar. Robson, yes,

1:10:10

thank you. Unique reference, 10 Sally Anne reference, sorry, Catherine SallyAnne. Robson, okay. I

1:10:31

if you could just bear with me, Inspector, I'm just going to check to see if I've missed anybody. I and

1:10:49

there were no other interests on there that I believe that we wouldn't be capable of reaching agreement with

1:10:54

no other so just to confirm so, it's those two that the applicant is not confident that can come to an agreement within the examination.

1:11:05

Sorry. And also, you need your number 1616,

1:11:10

yeah, and that would be Richard Edwin Ord, Robert Benton Ord, in the executive Secretaries of Mary Ord,

1:11:18

yes, yeah. And it's that refers to a very small sliver of land that I think if we don't reach agreement, we would be capable of removing the compulsory acquisition powers from because we don't necessarily.

1:11:34

So why is it included in the CI

1:11:36

I need to review that when we when we take a look. Okay, can we take

1:11:39

an action for that, then please for the applicant to confirm why that site is needed, because if you can remove it, as we know, then in that case, it should not be included or subject to compulsory requisition. Can I just ask, then for the applicant to just provide a quick update. I think it's last one number, 24, unique reference number this Timothy woods in Victoria chain woods, which I believe is the only, is the only unique reference number relating to a CI site that has actually submitted an objection. Yes.

1:12:20

So we are in discussion with with the Wood family, and we expect to come to an agreement. Sorry, this moment off my list earlier. So we're in discussion to and he's

1:12:32

having conversations with finfield wood in Victoria, Jane Ward, in order to resolve this specific issue. Thank you. Thank you for confirming that. In terms of site specific issues for the applicant, are there any other outstanding site specific issues that the applicant would like or concerns that they would like to raise with the XA now that might impact the ability to deliver purpose development? Thank you.

1:13:00

No, sir.

1:13:01

Are there any further questions on item four? Right? In that case, I will then move us on to Item five, site specific representations by affected persons. So we have not received any representations directly from affected persons, as far as I am aware, in relation to any site specific issues or raising site specific concerns. But can I ask if the applicant has had any site specific issues or representations from affected persons that they would like to raise now,

1:13:36

sir, the only additional contact that the applicant has had from affected parties has been from Stockton Borough Council very recently, I think, in response to probably prompted by the letters which have been written to affected parties as part of the change request process where the council have asked some questions about the nature of the right sort over two particular parcels of Stockton land. The applicant hasn't been in a position to go back to the council just yet, but will be doing so. We're not aware at this point in time that there's any particular issues attached to those, but I don't know if members of the council are here. Can clarify that?

1:14:22

I will ask. Thank you. Mr. Min hinick, can I ask Stockton Borough Council if they would like to comment on this specific point in terms of those sites, and also, can I just confirm with Stockton Borough Council if those sites are to do with the change requests and land that has now been identified as subject composed requisition due to the change request or it was subject to compulsory acquisition already with the proposed development as it stands now, so without the change request being accepted.

1:14:58

So Helen Boston, staudford Council. Planning. It definitely got brought to our attention from the letter that we received in October. We haven't received anything our land and property services have confirmed. I haven't received any direct correspondence from the applicant in relation to any acquisitions. We are open to negotiations with the developer, and we're looking to resolve that with them, like I said, we have now reached out to them to try and set up a meeting to discuss the site and making sure. So, yeah, I think we need to engage in those conversations with the developer for our land and property

1:15:33

team, but in terms of confirming if the plant was included within the order as it stands, is it stands now and subject to Ci, or it's linked with the change? Do you? Do you have a clear position that you can come that you can offer the XA now on that or no, would have to come back to come back? Yeah,

okay. Thank you very much. If I could ask Dr Borough Council to actually come back to the XA and get an action on that, that would be great. Yes, very much. Thank you. Can I ask the applicant, in light of that, if the applicant intends and how it intends to actually keep the same form of any conversations regarding this specific issue,

1:16:12

sir, thank you. Yes, we will keep the examining authority informed of progress and discussions at appropriate deadlines if there is progress that is made before deadline four on the 25th of October, we will include an update at that stage, if not at the next deadline.

1:16:29

Thank you very much. Okay, do we have any affected persons here today that would like to raise any objections to the compulsory acquisition or temporary position powers proposed by the applicant, anyone in the room. Is there anyone online that would like to an affected person that would like to raise any objections to the compulsory acquisition of the temporary possession powers proposed by the applicant, or the compulsory acquisition i i don't see any hands raised online or in the room. Therefore, I don't have any further questions on Item five. Can I ask if there is anyone that has any further questions on Item five regarding site specific representations by any affected persons? There are no further questions on this item, therefore, I propose that we move us to item six, that is cite specific issues from statutory undertakers. So in relation to compulsory acquisition, can the applicant please provide an update on status of negotiations with relevant undertakers? Please, as detailed in rep 1018 and we would like to request an update on a case by case basis. And I think that earlier, Mr. Mcinnich, you're already touching on this specific point. So now if we could actually go through the document and provide an update to the XA that would be grateful. Thank you.

1:18:01

So, of course, Alex Manex for the applicant. So I wasn't intending to touch on those statutory undertakers, which are colored green in the document that, if you have just referred to, which is rep one, zero, 18, principally because it's the applicant's position that in respect of each of those bodies in the corresponding green that's

1:18:27

acceptable? Yes, thank you, sir, to ones that agreement has not been reached. Thank you. I

1:18:33

will touch on each of those in turn. So sir, the position is the same in respect of each of the orange colored statutory undertakers in that table, with one exception, which is Network Rail, which is in a slightly different category. But in respect of the rest of them, there is ongoing engagement between the applicant and the relevant party. We are at the stage where we are looking at detailed drafting of protected provisions with each party, and progress is being made in that regard, albeit we have not yet reached agreement on the detailed of the protected provisions. So the applicant is, the applicant's position is that progress has been made. We are hopeful that those discussions and those negotiations will be concluded by the end of the examination period, and we will obviously keep the examining authority up to date on progress with those discussions. The terms of the negotiation between the

parties in most cases, are to do with specifics within the protected provisions that are sought, rather than wholesale point of difference between the parties. But inevitably, in these sorts of conversations, until parties reach agreement, it's impossible to say exactly when. That will happen the the the undertaker that I put in a different category, Sarah's Network Rail infrastructure, with whom there has been ongoing engagement over the matters that they at one stage indicated they considered protective provisions might be required in respect of however, and so you have to forgive me, I don't

1:20:24

have to reference in relation to the railway bridge. Can I just it

1:20:29

is, and the that position has since been overtaken. And my understanding is that network router no longer seeking protective provisions as part of the order, and have instead suggested the routine of traffic is something that would be dealt with, I believe, through the construction traffic management

1:20:48

plan, right? Okay. Thank you very much for that and for bringing that to the essays. Tension. Any further updates,

1:21:05

sir, no, that deals with each of the undertakers who aren't in that green category in the schedule that we previously submitted. It may be before the end of the hearing, I can find the reference to the current position with Network Rail, which, forgive me, I should have had to hand immediately, and if so, I'll just provide that in the AIB stage.

1:21:26

Thank you. Thank you very much. I would also like to bring to the attention of all of the parties, national highway submission at deadline three, response, which

1:21:42

I which I

1:21:50

do not actually, I think I provided reference of this in the agenda. Apologies, yes, so rep 3015, so I would like to bring that specific representation to everyone's attention and decide specific issues for from statutory parties where national highways have actually confirmed, in response to the examining, the examination authorities question ca 1.8 that there was certain plots that were originally registered within national highways, but that national highways believe that they are actually under the authority of Darlington Borough Council. And also in response to compulsory acquisition 1.17 where national highways request, I believe extension of agreements and requirements of protected provisions to cover not only the construction traffic management plan, which I think have already been covered, but actually the decommissioning traffic management plan. So can I just bring that to the applicants authority and ask if there is any update that we that they can provide to the XA following this submission.



1:23:21

Sir. Thank you for flagging this point. I don't believe there's any reason why the applicant isn't able to agree to that approach on the decommissioning traffic management plan as well. But sir, if we may, we'll just take that point away and give it some thought and confirm certainly. So

1:23:35

can I get an action for the applicant to consider more for the representation made by national highways, which the reference is, rep, 3015, and can I also bring that same submission to the attention of Darlington Borough Council is the highway for as inequality highways authority, you are mentioned within the submission, so would like a confirmation that in relation to those specific plots.

1:24:17

No problem. So yeah.

1:24:17

Thank you. Thank you very much. Mr. Kerry Casey apologies, right? Are there any further queries in relation to site specific issues from statutory undertakers? I

1:24:43

I don't see any hands raised in the room or virtually. So in that case, I propose that we move on to item seven, which is review of the issues and actions arising. So we have been making notes of the actions mentioned following from today's meeting. I just had to go through them. Now, but we'll be writing those up and publishing them as soon as practicable. Are there any questions on Item seven? I don't see any hands raised. Oh, apologies, yes, Mr. Heineken,

1:25:16

Alex, the applicant. No need for apologies. So I raised my hand very late, just to confirm, sir, that the reference that I was reaching for earlier in discussions with Network Rail. I believe the reason why I can't give you a reference is because I don't believe those exchanges are currently part of the examination documents, but there is an ongoing dialog between the parties, which is the source of the commentary that I provided you with no doubt we will be updating and providing written positions future deadlines.

1:25:46

I would expect that to be provided at next deadline as part of your update of statutory window tax position statement. So can I get an action for that? Please? Okay, if there are no further questions in terms of item seven, review of issues and actions arising would take us to Item eight, A or B, any other business. So I have had no matters notified to me under this agenda, agenda, Item that people would wish to raise. But is there any A or B, any other business that anyone would like to raise? Uh, can I ask if there is any other business that any person joining us online would like to raise at this point, I don't see any hands raised online, so the EXA would just like to remind everyone that the next examination event will be the accompanied site inspection. And you can find details of this on our website, on the bioskill page, and it will start at 9am tomorrow. And the meeting point of the start of the accompanied

site inspection is the entrance to bishopton Village Hall. I will move us then to item nine, closure of here of hearing. If there are no further questions and I don't have any notifications that there are, so I'll move us to item nine, then closure of hearing. Thank you all for contributing so fully and usefully to this meeting. We will consider all submissions and matters raised carefully. The time is now 27 minutes past five and couples requisition hearing one for bioskill solar is now closed. Thank you very much for all your time. Thank you. Applause.