



Meeting note

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| Project name | Xlinks Morocco-UK Power Project |
| File reference | EN010164 |
| Status | FINAL |
| Author | The Planning Inspectorate |
| Date | 2 May 2024 |
| Meeting with | Applicant |
| Venue | Microsoft Teams |
| Meeting objectives | Project update meeting |
| Circulation | All attendees/ additional contacts to share meeting note |

Summary of key points discussed, and advice given

The Planning Inspectorate (the Inspectorate) advised that a note of the meeting would be taken and published on its website in accordance with section 51 of the Planning Act 2008 (the PA2008). Any advice given under section 51 would not constitute legal advice upon which applicants (or others) could rely.

Project Updates

Update on surveys and impact assessment/ Preliminary Environmental Impact Report (PEIR)

The Applicant anticipates the PEIR will be published in May 2024 with the statutory consultation and will comprise an assessment based on the surveys undertaken up to the end of 2023. The Applicant explained that the scheme has evolved over time with new landowners identified. A further programme of surveys is planned for 2024. The Applicant explained that they intend to include Biodiversity Net Gain (BNG) proposals within the draft Development Consent Order (DCO) limits; however, this is not currently a feature of the PEIR.

The Applicant confirmed they are currently considering how BNG would be secured through the draft DCO. The Applicant explained the challenges in determining the area for BNG since the proposed cable corridor (approximately 65 metres wide) goes through many hedgerows, which would largely be a temporary effect. The Inspectorate queried whether there would be a planting exclusion above the cable and/or within a buffer from the cable. The Applicant confirmed that as Devon hedgebanks they can be restored like-for-like; however, the planting of deep-rooted trees would not be possible.

The Inspectorate queried the status of the proposed marine surveys. The Applicant confirmed that geophysical and geotechnical have been undertaken and form part of the PEIR to be published.

The Applicant confirmed that seabed occupation permits discussions are underway. The Applicant is engaging with authorities in France and Morocco, and in the near future, with Spain and Portugal to understand the scope of assessments required. No fundamental issues are raised at present by permitting authorities.

Statutory Consultation

The Applicant explained how prior to the issuing of the s35 direction, it had carried out extensive local engagement that is deemed to fulfil the non-statutory consultation requirements. This will be included and explained in the Consultation Report.

The Applicant will carry out Section 47 (s47) and Section (s48) consultation as required by the Planning Act 2008 (PA2008) over a six-week period between 16 May and 27 June 2024. The Applicant has carried out early engagement with Local Authorities (LAs) on the Statement of Community Consultation (SoCC) and received comments that the Applicant has had regard to and is incorporating into the Consultation Report. The Inspectorate asked the Applicant about 'harder to reach' stakeholders, and the Applicant explained that the LAs have highlighted Seldom Heard From groups including those considered vulnerable who may require reasonable adjustments during consultation, such as home visits.

The Applicant confirmed that it is liaising with fishery liaison officers as points of contact for the relevant government departments and fishing organisations.

Land Interest Questionnaires, Statutory Land Notice, Landowner Agreements and Compulsory Acquisition Position

The Applicant explained that it has cultivated relationships with Landowners (Los) over a two-to-three-year period to understand concerns and the impact of the potential project on farm operations. There are 20 Los in total, eight of which have signed with option agreements, four more Los are expected to sign agreements shortly. Two landowners are willing to collaborate with the Applicant about BNG through the sale of land. The Applicant is also in communication with Natural England about the amount of land likely to be required for BNG and coordinated approaches, such as that with the North Devon Biosphere.

The Applicant raised potentially applying under s53 of the PA 2008 for rights of entry for a single plot of land for which it requires access. The Inspectorate advised should this be pursued; the Applicant should ensure it provides the required evidence in support of any s53 application. The Inspectorate advised the Applicant to read [Advice Note 5: Section 53](#) on the Planning Inspectorate's website. The Inspectorate advised that there are no statutory timescales, and that the determination period would depend on the complexity of the request, the quality of the information provided, and the responses received. Given the current project programme, the Applicant may wish to explore other options where possible. The Applicant confirmed it is in discussion with the Lo and is seeking to resolve access issues this way. The Applicant agreed to keep the Inspectorate updated with regards to any forthcoming request.

The Inspectorate enquired as to what is likely to be included within the DCO in relation to land rights. The Applicant confirmed that it anticipates standard provisions in terms of Compulsory Acquisition (CA). The cable corridor will require temporary working rights and

will have a 'buffer zone'. Other temporary rights will be sought for connections and diversion, the main work area will be acquired freehold.

The Applicant confirmed that Land Referencing enquiries had been made using data from a variety of sources. All Los with whom the Applicant has agreed heads of terms, have completed forms confirming occupiers and lessees etc. There are however some challenges in identifying Los owing to Devon County Council's highway adoption programme, however the Applicant confirmed they will break this down into plots and powers within the application. The Inspectorate stressed the importance that plans submitted with an application match the DCO and advised the Applicant to pay attention to this in preparing for submission. Further, the Inspectorate advised that the plans must be clear and logical and simple to read in terms of indicating permanent, temporary rights and permanent easements.

The Applicant confirmed that the PEIR includes options for both the Applicant to provide the Alverdiscott substation development on behalf of National Grid, and the option that National Grid to provide the substation. Where, National Grid would provide the Alverdiscott substation development, this would be included within the cumulative effects assessment. The Applicant has ongoing engagement with National Grid Electricity Transmission and other Statutory Undertakers. The Inspectorate asked if this were to change if it would necessitate large scale redrafting of the impact assessment. The Applicant confirmed it had planned for such scenario. The Applicant was advised to keep the Inspectorate updated with regards to potential programme slippage and to ensure projected programme timelines are realistic.

Agreements and consents

The Inspectorate asked the Applicant that as the proposed project is part of a wider project, if it had any concerns about how it is progressing in France, Morocco, Portugal, and Spain. The Applicant advised that relationship is progressing well, and it is engaging at a political and local level in the other countries, and it does not anticipate disruption to the programme.

The Inspectorate asked if the Applicant has been in conversation with the Marine Management Organisation (MMO) with regards to offshore elements and fisheries. The Applicant confirmed it has and that it is working with the Environment Agency and other statutory bodies in its approach to consenting.

The Inspectorate advised the Applicant to look out for soon to be published guidance on Nationally Significant Infrastructure Project reforms. The Inspectorate also advised that the Inspectorate is in the process carrying out transboundary screening on behalf of the Secretary of State and will inform the Applicant of the outcome, including whether any EEA States will be contacted. The Inspectorate will publish the outcome of the transboundary screening on the Planning Inspectorate's webpage for the Xlinks Morocco project.

Update on project submission timeline

The Applicant intends to submit the application in November 2024. The Inspectorate advised the Applicant to avoid submitting during the Christmas period to avoid delays in responses.