

## **Hynet\_7 June\_CAH\_PT1**

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### FULL TRANSCRIPT (with timecode)

00:00:05:03 - 00:00:36:14

Welcome back, everybody. It is now 10:30. Before I formally resume, can I ask people joining virtually to indicate whether or not the sound has improved and you can hear me, please. Can I get somebody to put their hands up or somebody come on by switching their camera on or something? Thank you again. Lots of hands up. So thank you very much. If you do experience further problems, can you let the case team know as soon as you experience them, please? Hopefully it shouldn't happen, but we will.

00:00:36:16 - 00:01:06:20

We will keep an eye on it as well here. Um, okay. So welcome back, everybody. The time is now 1030 and am resuming this, um, compulsory acquisition hearing. Um, the point at which we seem to lose sound function was at the introductions of the attendees. So I'm going to go through that again. And I do apologize to those people who have already introduced themselves, but I'm going to make you do it again.

00:01:06:22 - 00:01:09:13

I'm afraid so. Um.

00:01:11:23 - 00:01:45:10

Let's start with introductions. I'm going to have a running order of the applicant, Chester West and Chester Council Flintshire County Council, the Environment Agency, Natural Resources Wales National Highways Canal and River Trust in insert Limited Travelodge UK Hall, Hawarden Community Council and Mr. Richard Baker, Mr. Lewis and Mr. Garrett and Mr. Williams. If you could introduce yourselves and all members, your team can introduce themselves as well.

00:01:45:12 - 00:02:17:08

One by one I would be grateful. Um, so starting with, oh, just to remind everybody, people have withdrawn from this hearing, reserving its right to attend future hearings and submit further representations during the examination. We've had no indication from the Welsh Government, Scottish power energy networks in regard to their attendance. However, if they are present, they will be they are welcome to take part as as is anybody. Just let me know at the end of the introductions. When asked about other affected persons or interested parties who may wish to speak.

00:02:17:22 - 00:02:29:15

And if you do indicate, please, can you indicate which item you wish to speak on, please? So starting with the applicant, please. Good morning, sir. My name is Julian Boswell Boswell.

00:02:29:17 - 00:02:43:05

I'm a solicitor and partner with Burgess Salmon LLP representing the applicant. The rest of the applicant team will introduce themselves in turn. I should explain that my colleague to my right, Paula Mcgeady, will be leading for us today.

00:02:46:16 - 00:02:49:25

Good morning. Paula Burgess Salmon Solicitors for the applicant.

00:02:51:28 - 00:02:57:11

Good morning. Vicki Bramhall Land lead for the applicant with a specialism in land referencing.

00:02:59:24 - 00:03:04:27

Good morning show Williams. For the applicant on behalf of as well Land Acquisition Ltd.

00:03:08:02 - 00:03:11:24

Good morning. James Glass, pipeline engineer on behalf of the applicant. Thank you.

00:03:13:26 - 00:03:16:22

Good morning. David Walker, Project Manager, above the applicant.

00:03:18:07 - 00:03:21:12

David Chatterton and ecology lead from. On behalf of the applicant.

00:03:23:18 - 00:03:28:10

Thank you very much for that. Can we move to Cheshire, Cheshire West and Chester Council, please?

00:03:29:07 - 00:03:37:13

Michelle Spark, Solicitor and partner, LLP. I represent Chester West and Chester Council and I'll just pass to my client now. Thank you.

00:03:39:17 - 00:03:43:04

Remarkably senior valuation surveyor for Cheshire West and Chester Council.

00:03:43:10 - 00:03:43:26

Thank you.

00:03:45:17 - 00:03:47:18

Flintshire County Council, please.

00:03:48:16 - 00:03:52:21

Susan Cordner, solicitor with Flintshire County Council, my colleague on my right.

00:03:53:24 - 00:03:54:24

Good morning. Paul Broccoli.

00:03:54:26 - 00:03:56:10

Senior Manager of Ventura County Council.

00:04:01:12 - 00:04:07:10

Thank you very much. Have the Environment Agency joined us at the present time, please?

00:04:08:26 - 00:04:24:28

Good morning. I'm Ray McLaughlin, planning lead at the Environment Agency. I'm also joined by an external consultant representing the Environment Agency on land ownership matters, in addition to another interested parties who allow him to introduce himself.

00:04:25:20 - 00:04:32:06

Mrs. McLaughlin, Can I just. Just say that we didn't catch your name at the start, Although say it on the screen in front of me. Can you repeat your name again?

00:04:32:20 - 00:04:34:12

Apologies. Anne-Marie McLaughlin.

00:04:34:29 - 00:04:37:12

Thank you. And move on to your colleagues. Thank you.

00:04:38:21 - 00:04:45:19

Well, if there was an external consultant on behalf of Carter Jonas assisting with the Environment Agency on the land side of aspects.

00:04:50:01 - 00:04:59:06

Thank you very much. Moving on, then. Unless there's anybody else from the Environment Agency to Natural Resources Wales, please.

00:05:02:16 - 00:05:07:10

And nobody's indicating from Natural resources. Wales So National highways, please.

00:05:09:09 - 00:05:16:12

Hello. Tanzi Galvin, senior lawyer at National Highways. And I'm joined by my colleague John Hope, who will introduce himself now.

00:05:18:00 - 00:05:21:20

Yes. Good morning, everybody. John Hope, I'm the planning leader at National Highways.

00:05:22:28 - 00:05:28:20

Thank you, Mr. Hope. Um, can we move on to the Canal and River Trust then, please?

00:05:30:16 - 00:05:39:09

Hi, I'm James Garbutt, Solicitor Ward Hadaway LLP. And I can see my client, Tim is on the call as well.

00:05:40:08 - 00:05:43:24

Yep. Good morning, Tim. Bethany Symons, Canal River Trust.

00:05:47:12 - 00:05:48:11

Thank you very much.

00:05:50:08 - 00:05:53:21

Um, insert limited who believe we're in the room?

00:05:54:10 - 00:06:11:19

Yes. Good morning, sir. Uh, just in Gartland of planning consultancy Litchfield representing insert Limited. Um, I'm also accompanied on the live stream by a colleague from Eversheds who will introduce herself.

00:06:12:25 - 00:06:17:19

Hi Hayley Gore here from Eversheds Sutherland representing insert limited.

00:06:18:19 - 00:06:25:15

You can't, sir. Joining me soon, I hope, will be actually my client, Anita Galligan of Serc.

00:06:25:27 - 00:06:37:19

I understand what we'll do is if he wishes to speak at any point, just get him to introduce himself when he starts to to speak. So that's that's fine. It's not a problem at all. Thank you.

00:06:37:21 - 00:06:40:14

Thank you, sir. Herself. It's an evil. Yes.

00:06:40:22 - 00:06:50:02

Thank you. Thank you. Apologies. Right. Travelodge UK. I believe we've got somebody from travelodge UK with us.

00:06:56:06 - 00:07:06:10

And I'm getting no indication, so I'm going to move on. Um. Hawarden Community Council. Is there somebody in the room from Walden Community Council? There's a mic behind you, so.

00:07:07:09 - 00:07:13:03

Good morning. Janet Axworthy, chairman of Harden Community Council.

00:07:14:12 - 00:07:15:12

Thank you very much.

00:07:22:04 - 00:07:27:13

And then moving on. Mr. Baker, on behalf of Mr. and Mrs. Osram.

00:07:28:14 - 00:07:40:25

Good morning. Richard Baker, land agent and partner at Fisher German. And. I'm also accompanied by Duncan Tilney, who's online from Stevens Cowan Solicitors, also acting for Mrs. Ultra.

00:07:41:11 - 00:07:46:20

Okay, understood. Mr. Tilney, do you need to introduce yourself? Hello.

00:07:46:28 - 00:07:50:07

Duncan Tilney. I'm on behalf of Mr. and Mrs. Aylsham as well.

00:07:50:24 - 00:08:00:28

Okay. Thank you very much. It was just you were on the screen, so thought I'd give you the opportunity. That was all. So, Mr. Lewis, J. Bradburn, Price and Co. Yes.

00:08:01:06 - 00:08:16:28

Good morning. Peter Lewis, Braden Price and Co London Charles Xavier on behalf of Mrs. Evans, Hirst and Peers and with your permission, general comments on behalf of of affected parties as well.

00:08:17:06 - 00:08:30:02

Okay. Thank you very much. Do we have Mr. Garrett with us today? Saw him on the attendance list, but I wasn't aware whether he's here or not. Mr. Williams, please.

00:08:33:14 - 00:08:43:06

Morning, Sir John Williams, landowner and joint landowner with my brother Earl Williams, representing our interest in this regime. Thank you.

00:08:43:15 - 00:08:53:22

Okay. Thank you very much, Mr. Williams. Are there any other interested parties present, either in the room or joining virtually, who would wish to speak during the hearing? If so, if you're in the room, can you put your hand up?

00:08:55:14 - 00:09:06:12

Okay. Again, no indication. If you're joining us virtually and you wish to participate by saying something. Can you put your camera on or use the raise hand function, please, if you're joining virtually.

00:09:09:25 - 00:09:14:13

I'm getting no indication. Okay. So I'm going to move on. Um.

00:09:18:19 - 00:09:25:28

I'm going to pass to Mr. Shrigley, who's going to go through the the order of today, etcetera. Um, thank you very much, Mr. Shrigley.

00:09:26:00 - 00:09:57:27

Yes, thank you. And moving on now to agenda item two. Uh, need to set out the procedure for running the hearing today. Appreciate that. Some attendees have already heard similar message yesterday, but I need to repeat this information for the benefit of attendees who've joined us today and also for the recordings. Uh, firstly, I would like to address language. We recognise that this national infrastructure submission is a cross-border development proposal affecting both Wales and England.

00:09:58:02 - 00:10:38:12

As such, we aim to take this hearing and the subsequent examination as open and inclusive as possible. We have translation facilities available at this meeting and they will be also available for all the subsequent hearings. In terms of persons being at this event in person. If you do wish to address the panel in Welsh, a translator is available here and will translate from Welsh to English for persons attending and person wishing to listen to any translation in English.

00:10:38:18 - 00:11:22:07

All you need to do is switch on the headphones provided and listen through them. You wear them with the band underneath the chin and told. For those attending this hearing, virtually, you will have seen from the joining instructions that there is a choice of channels in relation to the the team's hearing. One channel accommodates those wishing to speak and participate in Welsh and the other channel accommodates for those wishing to speak and participate in English when using the correct channel, those speaking in Welsh will have their words translated in the other channel so Welsh speakers can participate and be understood.

00:11:24:09 - 00:11:58:08

The joining instructions also advised those wishing to take part by telephone. That simultaneous translation is also available. Should you experience any issues regarding the translation methods being provided? I would ask that those are raised with the case team. But you'll also have seen from the documents that we've published in advance of the hearing. This will continue throughout the examination. Mr. Jones is the operations manager here today, and he also speaks Welsh.

00:11:59:03 - 00:12:17:20

The rest of us on the panel will endeavour to pronounce places and names correctly. I do apologize in advance if there are any mistakes we do make and please feel free to point those out if and when those do arise.

00:12:22:09 - 00:12:27:24

So we do, in fact, welcome contributions in both English and Welsh.

00:12:29:26 - 00:12:38:22

Is there anybody who wishes to participate? Who will be speaking Welsh? Just throwing it out as a question to all parties.

00:12:43:29 - 00:12:48:12

And. No, no, no, no signal of that. So we'll move on. Thank you for that.

00:12:51:10 - 00:13:06:06

Um. There are few other words from me on the event format today. This is a blended event. It allows both in-person and virtual participants through teams. It is expected that both blended and fully virtual.

00:13:07:28 - 00:13:34:03

Events may well continue throughout the examination. For those participating, especially those watching the live streaming or listening to the digital recording, you might find assistance to have a copy of the agenda open in front of you. It is available on the Documents library listed via the project page of this proposal, and that document reference is EV zero six.

00:13:35:29 - 00:14:07:09

If anybody has any medical reasons or the reasons to have a break, please do flag that up and let the examiners know that and we can make adjustments relative to your needs. In terms of timings, the proposed timings for today. We did have some slippage this morning because of the technical issues, but we're aiming to take a break or we were aiming to take a break about 1130, but that's sort of a loose figure now.

00:14:08:03 - 00:14:30:29

A lunch break at around 115 and an afternoon break of around 345 if we need it, with the aim to finish around no later than 530. But obviously we'll keep this under review once the business has listed on the agenda is concluded at the hearing, we will close it around the 5.30 time.

00:14:32:16 - 00:14:52:11

Those are approximate timings. If any point during the hearing you can't hear me or my colleague Mr. Butler, please do let us know using the hand raise function and we will endeavor to make sure that all parties can hear as clearly.

00:14:55:06 - 00:15:30:26

In terms of general data protection matters. There is a few things about that. I also need to raise, uh, this event is both live streamed and recorded. The digital recordings that we make are retained and publish. They form part of the public record that can contain information about several matters. The planning Inspectorate's practice is to retain and publish the recordings for about five years from the Secretary of State's decision on the development consent order.

00:15:30:28 - 00:16:07:24

Consequently, if you participate in today's hearing, it is important to understand that you are being recorded and therefore you are giving consent to the retention and publication of the digital recording. It is very unlikely the examining authority here will ask you to put sensitive, sensitive information into the public domain. And did we encourage you not to do that? However, if for some reason you feel it is necessary to refer to sensitive or personal information, we would encourage you to speak to the case team in the first instance.

00:16:09:11 - 00:16:34:04

Um, it is going to be better to use plot numbers where possible. Um, bearing that in mind. The only official recording of the proceedings is the digital recording, and that will be placed on the project page of the national infrastructure website. Tweets, blogs and similar communications arising from the hearing will not be accepted as evidence.

00:16:35:27 - 00:17:07:13

Um, I'll just briefly say something about the purpose of the hearing. Um. It is a compulsory acquisition hearing. We're conducting it in accordance with section 62 and section 60 sorry, apologies, section 92 and Sections 94 of the Planning Act 2008 and the infrastructure planning examination procedure Rules 2010 specifically Rule 14 relating to procedure at hearings.

00:17:07:21 - 00:17:26:29

I would remind you all that Section 94 eight of the 2008 Planning Act allows the examination panel the ability to refuse representations made at the hearing if we need to.

00:17:28:18 - 00:17:35:11

For example, if the representations are irrelevant, vexatious, frivolous,

00:17:37:02 - 00:18:12:19

they relate to matters of policy set out or merits of policy, rather set out in the national policy statement, repeat other representations already made or relate to compensation for the compulsory acquisition of of land or an interest over the land. Rule 14. Two of the examination procedure rules requires that at the start of the examination, authorities shall identify the matters to be considered.

00:18:12:25 - 00:18:44:02

Hearing an agenda has been published with that aim in mind, and that was published by the Planning Inspectorate on its project page on Tuesday, the 23rd of May 2023. It was issued for guidance only. We may add or amend the issues for considerations as we progress, and we will seek to allocate sufficient time to allocate to allow sufficient and proper consideration of each item.

00:18:45:21 - 00:19:13:04

Should the consideration of any issues take longer than expected, we may well refer to written questions if need be. That said, our current intention is that those matters detailed on the agenda will be the only matters we are seeking to discuss today. We will not be discussing the change submitted as the applicants change requests.

00:19:15:25 - 00:19:31:00

Although they have been accepted for consideration by the examining authority, those are subject to consultation requirements and there will be further hearings later in the examination on those matters.

00:19:32:16 - 00:19:34:01

If need be

00:19:36:08 - 00:20:11:12

and that is will be the case. Yeah. And to be clear, it's not intended to discuss all matters in relation to compulsory acquisition today. Some matters will be pursued through further rounds of written questions and other future hearings. As alluded to earlier, this hearing will take the form of a structured discussion which will be led by the panel, largely by Mr. Butler. Based on the agenda you'll have seen from the agenda, it's specifically, uh.

00:20:12:20 - 00:20:28:25

Sets out the powers that the applicant is seeking to use through the draft development consent order for the compulsory acquisition of legal interests and rights over land, and that the applicant contends it is required that the proposed development brought forward

00:20:30:21 - 00:21:05:17

that has already been published. With that in mind, the purpose of this discussion is for the examiner an authority to ask questions and to seek clarifications on matters relating to compulsory acquisition, acquisition, temporary possession to ensure all information we need is reported onto the Secretary of State. The questions that we are going to ask will be focused on those areas where we need further information or we think the issues would be beneficial to the examination.

00:21:07:26 - 00:21:34:09

Only those affected persons who have already introduced themselves have indicated a wish to take part in today's compulsory acquisition hearings. So at appropriate times and where necessary, we will call the applicant and those parties present to address the examiner and foresti to respond to questions. At that time I would ask that relevant parties. Just bear with me a second. I'll just go back to my earlier note.

00:22:06:23 - 00:22:16:16

Uh, yeah, apologies for that. A computer glitch. The examiner authorities notified all those parties affected by the application

00:22:18:12 - 00:22:48:26

for the proposed compulsory acquisition of powers for this hearing. And moving on to the details of today's hearing will be examining the compulsory acquisition of rights in the context of powers provided by the Planning Act, specifically Sections one, two, two and one, two, three. And a link of that legislation is available on the National Infrastructure Planning website on the project page hosted by the Planning Inspectorate.

00:22:49:10 - 00:23:20:28

But in brief, the examining authority will need to test and advise the Secretary of State specifically on whether the land and rights that are sought are required to build or facilitate the proposed development or relate to necessary replacement of land. Whether there is a compelling case in the public interest for the land or the rights to be acquired compulsorily, and that what is sought as legitimate, necessary, reasonable and proportionate.

00:23:22:11 - 00:23:53:10

The examining authority is also mindful of the advice set out by Government and its 2013 publication, which is the Planning Act 2008 guidance related to the procedures for the compulsory acquisition of land, which is also available on the National infrastructure planning website. The examining authority's deliberations and decisions will be guided by the relevant human rights legislation, including the European Convention of Human Rights.

00:23:53:12 - 00:23:59:03

Article six The right to a Fair Trial or hearing the right to.

00:24:01:02 - 00:24:40:23

Respect for family, private life and Article 14 Protection from discrimination and Verse Protocol. Article one Protection of Property. Ultimately, while considering whether to recommend or allow the application for compulsory acquisition powers retrospectively, the both the examining authority and the Secretary of State will take a great deal of care to weigh any interference with human rights against the public interest associated with the benefits case of the proposed development.



00:24:42:21 - 00:25:16:07

And the aim of that is to ensure any interference is considered both necessary and proportionate. It is for the applicant to demonstrate that all of the proposed compulsory acquisition powers that it seeks are justified within this framework and that all reasonable alternatives to compulsory acquisition are being explored and that there is a reasonable prospect of having funds available to implement any military acquisition rights that may ultimately be granted by the Secretary of State and the development consent order.

00:25:17:03 - 00:25:47:22

While there is clear a clear and obvious link between the examination of the proposed development itself and the examination of the application for compulsory acquisition rights, the two are tested on their own merits according to the case and whatever the panel's ultimate recommendation to the Secretary of State, it is possible that he or she could grant the development order consent, but some or any of the requested.

00:25:50:21 - 00:26:46:21

Compulsory acquisition powers. Included in that was stressed that the Examiner authority will form a view over the course of the examination on each of the interests for compulsory acquisition powers. Whether or not there is a compulsory, compelling case in public interest and not just on the submissions and evidence put before the examination panel today. But all matters in the round for the purposes of this hearing and any affected persons watching the live streaming or listening to the digital recording, I'm assuming that representatives of the applicant, the statutory authorities, the local authorities are all reasonably familiar with the legislative and policy and guidance framework, which I've already mentioned, and with the process that the examining authority and Secretary of State will go through.

00:26:47:01 - 00:27:07:09

For those less used to compulsory acquisition hearings. I'd like to point out a number of principle documents that we're going to be using today. Those are the development consent order that's Rep 3005 the land plans.

00:27:09:01 - 00:27:20:15

The Crown Land plans, the explanatory memorandum, the statement of reasons, the funding statement, and the book of reference. Those are all listed

00:27:22:00 - 00:27:53:02

together. That's going to be the bulk of information we're going to be going through the land plan. I've referred to it. It identifies all parcels of land and includes a label for each that cross cross-references to the book of reference. The book of reference includes a table that lists each parcel of land the powers sought and everybody that has been identified with a legal interest in it. It is or was the applicant's responsibility to undertake.

00:27:53:25 - 00:28:23:04

Diligent inquiries into the existence of all such affected persons in advance, and that that is always the case. And the statement of reasons details why the applicant believes there is a compelling case for public interest for it to be granted compulsory acquisition powers in the draft development consent order and that those are necessary, proportionate, justified.

00:28:25:03 - 00:28:30:18

So there's a brief overview and formative overview of the documents we're discussing.

00:28:32:21 - 00:28:37:22

There's just a few more final notes from me. Won't take too much longer on this.

00:28:39:21 - 00:28:40:06

Um.

00:28:46:20 - 00:28:59:18

I'd like to remind you that the focus of today's hearing is explicitly on compulsory acquisition powers and the specific parcels of land or legal interests associated to those.

00:29:01:06 - 00:29:11:10

Other opportunities to write or to speak to the examination. Examining authority on a broader, more broader aspects will be provided later on.

00:29:19:11 - 00:29:48:26

Okay. And additionally, any interested parties affected persons who may be watching the live streaming or may be listening to the digital recording and they may make comments on any of the oral representations made today in writing should they wish to do so by the same deadline? Well, by the deadline, which is Tuesday the 20th of June. That's deadline for and I request.

00:29:52:00 - 00:30:25:29

The applicant and any interested parties affected persons making oral representations today submits those submissions also by deadline for, again Tuesday the 20th of June 2023. All written submissions should be based on the representations made today rather than new material, but they can include detail and corroborative or supporting evidence where appropriate. This applies to both the applicant and the interested parties, the affected persons involved.

00:30:27:06 - 00:31:02:05

It is a full an ambitious agenda. We have had that slippage this morning already. But Mr. Butler and I will keep, um, under review the progress of how quickly we can get through everything. Um, if certain aspects need to be addressed in written submissions that would also need to be done by deadline for Tuesday the 20th of June 2023, or in response to the second round of questions which is currently being issued on the 15th of June 2023.

00:31:08:12 - 00:31:44:12

Okay, a few more comments and then I'll hand back to Mr. Bottler that the the need to highlight. We may ask questions or make comments as we go through various parts of today's event. Um, the assumption is that post hearing actions will be expected at the next deadline. That's also deadline for, again, 20th of June. However, acknowledging any resource constraints or if there is a difficulty, if you could make the examination aware of that and we may take an action point if need be.

00:31:44:14 - 00:32:17:19

Finally, for the purpose of identification and for the benefit of those who may listen to the digital recording later, could ask that every point in which you speak, could you please give your name? And if you're representing an organization or an individual who it is you represent? Also, please ensure you speak loudly and clearly by making your submissions. And before I move to deal with the items detailed in the agenda, are there are any other questions on the procedural side and the elements of set out?

00:32:19:18 - 00:32:25:07

I'll take that as a note. Okay. I'll now hand over back to Mr. Butler for item three.

00:32:27:00 - 00:33:05:15

Thank you, Mr. Shrigley. Um, would invite the applicant to provide an overview of the overall approach to compulsory acquisition in temporary possession in the context of the relevant tests under

the Planning Act 2008 and the relevant guidance. The purpose, structure and content of the Book of reference Statement of reasons, the funding statement and the funding statement and the powers that are sought and the overall case for them being granted, including confirmation. The application accords with section 123 two of the Planning Act 2008 and whether and how the purpose of which compulsory acquisition powers are sought comply with Section 122 of the Planning Act 2008.

00:33:05:28 - 00:33:08:22

Um. Would you like to respond?

00:33:10:12 - 00:33:55:11

Thank you, sir. Polemic for the applicant. The applicant is seeking compulsory powers and temporary possession over a corridor of land within which it proposes to make recite the pipeline. That corridor is, and the majority of cases 100m wide to allow for flexibility at the detailed design stage. Having regard to further investigation of the land and seeking to minimise the impacts including those on ecology and trees within that corridor, the working corridor of the pipeline is generally 32m wide, with a final proposed land take of 24.4m wide subsurface with rights overlain on that, those rights are required to allow access to inspect and maintain the pipeline and to protect it.

00:33:55:26 - 00:34:23:10

Together, we consider these proposals to reflect the minimum necessary to deliver the proposed development within the above ground installations and the block valve stations. There is some flex within the corridor as it is necessary for those to be able to align with the final pipeline routing. They've been constrained where possible and as an example of that, we would point to work number nine, the stand where that work has been quite tightly drawn.

00:34:25:04 - 00:35:01:00

Our overall approach can be summarised for compulsory acquisition as follows Where the current use of the plot could not be resumed, full acquisition is being sought. That applies to those sites we refer to as surface sites or the aboveground installations, the block valve stations, mitigation land and ancillary features to those such as new accesses or open drains. The landowner couldn't resume their current use over the top of those works. In most cases, the current use is agricultural and the nature of the works would preclude agricultural use resuming.

00:35:01:02 - 00:35:33:14

We therefore consider that full acquisition is appropriate on the pipeline sections. Acquisition is sort of a strata of subsurface land with a corridor of rights on top of that. So said in a statement of reasons at paragraph 6.2. 50, the applicant is seeking to voluntarily agree long leases over the strata of subsurface land for the new build pipeline to the extent which is necessary to construct, operate and maintain it.

00:35:34:14 - 00:35:48:10

It is not possible to compulsorily create a lease. The applicant therefore requires compulsory acquisition powers over that strata of subsurface land in the event that agreement for lease cannot be reached.

00:35:50:06 - 00:36:16:26

In addition to the acquisition of land powers to acquire rights and impose restrictive covenants or sought the rights needed for each plot are set out in the Statement of Reasons and Table three The majority of permanent rights sought outside the final pipeline corridor are for access and operation to allow inspection and maintenance of the pipeline. There are two exceptions to that, but they came about as a result of change request ones. Wasn't proposing to go into them at the moment.

00:36:19:06 - 00:36:50:11

In terms of temporary possession. We are seeking temporary possession for land and construction, which we need into the construction phase, but we do not need any operational phase. The intention of this is to minimize the land over which acquisition or rights are required and minimize the impact on landowners in accordance with the guidance referred to in your agenda item. The use of temporary possession powers and development consent orders commonly includes the ability to use land during construction.

00:36:52:00 - 00:37:25:21

There are a number of plots we have identified where we would want to take our access during construction, but we do not need to do that exclusively. Essentially, our proposal on those plots is to use the temporary possession powers to give us a temporary right to share access. The alternative to that would be to require a permanent right of access, which we don't consider to be necessary or a proportionate in order to assist landowners in identifying and having certainty. If we were proposing to share an access with them rather than take exclusive temporary possession.

00:37:26:02 - 00:37:49:25

We've subdivided our temporary possession. The ones we are seeking access only are in schedule seven Part two and those plots are shown brown on the land plans. They include as examples plots in 1906, which is the access to the filling station and the travel lodge from the A55 and plot 2 or 6, which is the access to and private roads within the Chester Service Station area.

00:37:51:18 - 00:37:56:21

Moving on to the book of reference Statement of Reasons and Funding Statement.

00:37:59:13 - 00:38:35:28

The purpose of the book of reference is to describe the land over which all powers are sought and to list the interests held. The structure of that book is prescribed by the infrastructure planning applications, prescribed forms and Procedure Regulations 2009 Regulation seven That requires that the book of reference be set out in five parts. Part one List persons defined in Section 57 of the Planning Act 2008 Categories one and two. These are persons who are interested in the land with the power to sell or convey the land or release the land.

00:38:36:08 - 00:39:10:23

That includes owners, lessees, tenants and some occupiers. It also includes the holders of some kinds of options. Part two of the book of reference is Category three persons, again defined in the act. Those are persons who we believe having undertaken diligent inquiry, would be entitled to make a claim of the order is implemented. The claims are primarily related to diminishment and value of land being caused by the scheme. Part three are persons with rights over land, part for our crown interests.

00:39:11:05 - 00:39:16:25

And part five is special category land. In this case, our only special category land is open space.

00:39:19:05 - 00:39:36:14

We have therefore structured the book of reference in five parts as required plots appear in more than one part, as it's the nature of the interests held in them that determine whether or not they need to be in any particular part. A person may also appear in more than one part, depending on the nature of the interest held.

00:39:41:24 - 00:40:15:22

The statement of reasons and the funding statement are both required to be submitted as part of the application in accordance with Regulation five following the guidance and in particular paragraph 32 of the Dclg guidance referred to in the agenda as well as having regard to other precedent compulsory acquisition documents. The purpose of the statement of reasons is to set out the land over which the

powers are sought to describe any special category of land affected, to describe the powers sought and to set out the applicant's case as to why the powers should be granted.

00:40:16:13 - 00:40:34:01

This includes addressing the statutory test set out in section 122 of the Planning Act 2008 that the land is required for or is necessary to facilitate or is incidental to the development, and that there is a compelling case in the public interest for the powers sought to be granted.

00:40:35:18 - 00:41:09:14

In order to demonstrate the compelling case. This statement of reasons summarizes the need, case and policy support for the development which is set out in full and other application documents. It also explains the alternatives which are being considered and the engagement which has been had and is ongoing with the affected parties. Section six of that statement sets out the overall case for the power sought and Section eight specifically considers why that case would justify the grant of powers having regard to human rights and specifically the right to peaceful enjoyment of one's possessions.

00:41:12:03 - 00:41:25:18

The funding statement is also required to have been submitted under Regulation five, and regulation provides that. That statement is to indicate how an order that contains the authorisation of compulsory acquisition is proposed to be funded.

00:41:27:18 - 00:41:52:14

The funding statement has submitted six outs and section 1.4 how compulsory acquisition costs, compensation and blight liabilities would be met. In summary, the applicant UK based parent company will provide the necessary funding and has committed to providing a parent company guarantee for that. The parent company's accounts have been included in this statement to demonstrate that it can more than meet the assessed liability.

00:41:54:01 - 00:41:56:10

That parent company guarantee is now in place.

00:41:57:27 - 00:42:40:29

The funding statement also sets out how the delivery of the development itself would be funded in section 1.5. That is subject to ongoing work with government. The government is still working on the precise funding model to be used. The applicant's parent company again has sufficient resources to meet the development cost internally. However, some external funding may be sought. That depends on the model which government adopts for the delivery of these projects. The credit ratings have been appended to the funding statement to demonstrate that ultimate parent company has very strong credit metrics as set out in the Moody's report and could access credit to fund a development if that was the preferred model.

00:42:42:03 - 00:43:03:29

The funding statement therefore demonstrates that adequate funding is likely to be available for the exercise of compulsory acquisition powers within the statutory period and to meet any blight claims. It therefore meets the requirements of paragraphs 17 and 18 of the guidance, which require the demonstration of such likely availability in order for powers to be granted.

00:43:07:01 - 00:43:41:03

Moving on to the Section 122 test. This requires that the Secretary of State be satisfied that the powers sought are required for the development or acquire to facilitate or incidental to it. The guidance at paragraph nine provides that the applicant must have and must have set out a clear idea of how each plot would be used. The need for and proposed use of each plot is set out in the statement of reasons. Table one addresses plots for which permanent acquisition is sought primarily the surface sites.

00:43:41:10 - 00:43:54:06

Table two considers the permanent acquisition for the pipeline. Table three considers permanent acquisition of rights only. And Table four considers powers of temporary possession.

00:43:56:13 - 00:44:31:18

Although powers are currently being sought over a wider area than that which would be finally acquired, that is necessary to allow the development to undertake the detailed design in the final routing of the corridor. It is disproportionate to do that work ahead of the consent being granted, given both the substantial costs involved and the intrusive works, including and trenching which would be required to inform that design. This approach is common in AWS and is preceded in two other pipelines the Yorkshire and Humber and the River Humber, both of which also had 100 metre corridors.

00:44:35:27 - 00:44:42:28

The applicant is also seeking powers over land required for mitigation, primarily landscaping and mitigation planting.

00:44:44:29 - 00:45:13:27

The Delg guidance paragraph 11 sets out that such powers should not be sought over more land than is reasonably required. That guidance is clear that land is necessary for works to make the development acceptable, such as landscaping may be acquired compulsorily. That said, in paragraph 12, the applicant accordingly submits that these areas are reasonably required within that meaning and therefore meet the statutory tests and comply with the guidance.

00:45:15:20 - 00:45:49:10

The second limb of the statutory test is the compelling case in the public interest. The guidance of paragraph and 13 expand on this as requiring compelling evidence that the public benefits outweigh the private loss. The case for the development is set out in the Need case document EP 049. While the project does not fall within the scope of the current NPC's. It is firmly rooted in other national policies and therefore does meet the requirement of paragraph 19 of the guidance to be supported by national policy.

00:45:49:29 - 00:45:57:21

This includes the Net Zero strategy published in October 2021 and the Energy Security Strategy published in April 2022.

00:45:59:23 - 00:46:22:16

The project as proposed, will allow repurposing of the existing pipeline, minimizing both the construction impacts and the number of landowners over whom compulsory powers are being sought on the existing power. Compulsory powers are sought only on new aboveground installations for the sites and to address one minor gap in the lease documentation being 30 601.

00:46:24:21 - 00:47:06:04

The majority of the new pipeline development is sited in agricultural land. The applicant made a commitment early in the process not to seek compulsory powers over residential dwellings. That has been achieved, but it has meant reducing the corridor in some locations, notably around the area and church lane to avoid infringing on the adjoining residential properties. That reduction has been achieved by using a trench installation technique to avoid requiring the full working width for an open trench. That does increase engineering, complexity and risk and can have other impacts, including the need to dig large pits for the entrance and exit of the drills and to carry out 24 hour working.

00:47:06:24 - 00:47:22:26

The pipeline also has to be deeper in this location to reduce the risk of accidental damage from works or planting on the surface. This is therefore an approach which has been targeted to very constrained locations where the applicant considers it represents the best balance of the various factors.

00:47:27:24 - 00:47:57:27

The land over the Barrett pipeline would be returned to its former use following construction wherever possible, minimizing the impact on the affected landowners, and particularly on farming businesses. The land for the above ground sites will be lost to their current uses. The applicant has been and continues to work with affected landowners to seek to minimize the impacts on them and considers that this is demonstrated in the schedule of negotiations and in the substance of the change requests we have prepared.

00:48:01:07 - 00:48:36:01

The applicant has considered the need for other consents to be obtained to deliver and operate the project and has sent these out and other consents and licenses document. The most recent version of that is 3017. That identifies no known impediment to the delivery of the scheme, which could not be overcome as already set out, The financing of the use of powers and for the delivery of projects is already available and the applicant has taken all prudent steps to properly manage the potential risks to the project as required by paragraph 19 of the guidance.

00:48:36:29 - 00:49:05:03

In summary, the applicant considers that the powers are sought are necessary to deliver the proposed development, are proportionate and are sufficient to justify the interference with the landowner's rights. The strong policy support for the pause development and importantly the contribution it would make towards achieving net zero and decarbonising industry in the north, west and North Wales demonstrate the clear public benefit of the project being granted the powers necessary to ensure its delivery.

00:49:08:19 - 00:49:24:09

Power switch my mic on so I can say that. Thank you very much. Um, just in terms of other parties that have heard the generality of that statement today, is anybody got any comments that they want to make on it, either in the room or virtually online, please?

00:49:27:09 - 00:49:35:09

Okay. I'm getting no indication. So I haven't got any comments on that specifically. We'll get into the detail of it in a bit. I'm going to.

00:49:39:01 - 00:49:52:09

So if anybody does have anything they want to say with regard to what they heard from the applicant there. They can submit comments in writing by deadline for which is Tuesday, the 20th of June 2023. Um.

00:50:02:06 - 00:50:17:05

Okay. That's that's an. That's all I had for that point in time. Um, so in terms of moving on to the next agenda item, um, that would be in relation to.

00:50:20:01 - 00:50:21:26

But I just haven't written it down on my screen.

00:50:28:09 - 00:50:59:22

That's in relation to individual objections, issues and voluntary agreements. It will bring us back in time if we actually have a break now so we can catch up with the the timings that we originally had had involved. So what I think I'll do is I'm going to have a break now for 15 minutes and then we'll

come back at 1135. That hopefully gives you enough time to get a cup of tea or have a stretch of your legs because we've been in the room for quite a while at the moment and and then we'll come back.

00:50:59:24 - 00:51:09:15

So it's 11:20. This meeting is adjourned and we will resume at an actual fact. We've moved on. We'll resume at 1136.