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00:05

Welcome back, everyone. It's now 1130. So the this compulsory acquisition hearing is resumed. Because as far as I think, Mr Sweetland from Anglian Water Hello again, Mr. Sweetland. You won't be heard from you at ch one with an update, perhaps you can take us further now, whereas through a few months down the line, what was it was it was the opposition now.

00:34

So if I just recap the position of Anglian Water, we support the project in principle, we've made representations on the project and we've agreed the protected provisions more broadly for the project and really expect our assets along the length of the pipeline. Our representation is particularly related to the water recycling centre at Louth and then future need for its expansion. We own the land to the east of the site and Louth. And that site is going to need to expand in the future to support growth, principally housing growth, that's already an existing local plan. That investment is something which will come forward as part of our drainage and Wastewater Management Plan, which is currently with off what which is due to get to final determination in December of this year, the expansion won't probably take place for another five to 10 years, we'd anticipate. So it's no detailed plans in place no planning permission, for example, with reference to earlier discussions about pulling permissions and who comes first on any compensation do with that in mind, we've sought to discuss with the applicant a way to reduce the land that might be potentially be sterilised by the root of the pipeline. We've had agreement with the manual way, we now want to take that forward, and they've made this change request. So that's change request number four, using Mr. Boone's referencing. So it's that's on plots 26 726 eight and 26 nine on the land plans in the document reference as 49. So in principle, we support the reduction in the land take because it minimises the Arab land, which potentially might not be able to be used for the expansion of the water recycling centre. But we understand the need for flexibility in pipeline construction, as you will understand as an infrastructure provider who lays cotton and lots of pipe. So therefore, we understand why there is a need to continue with the area that they retained within the change request. Obviously, that change request is subject to your approval to go forward. There is also a further complication in the area of land to sterilise because there's a 560 millimetre water mains to the east of the land. And we need to have a standoff from that pipeline to the the carbon capture and storage pipeline in order to make sure that the two aren't conflicted anyway, particularly when it comes to any maintenance they may be required or any emergency access to the record or easements. So there's a seven metre standoff for that size of pipeline. That is that is the starting point for that. So in some roid support the change request if it's accepted by the examining authority, we think if that is then progressed, we can proceed to a statement of common ground with the applicant, because all of the matters have been agreed, as I say they protect provisions for other assets have been agreed with Krystal so happy to take any further questions.

03:23

Thank you very much for joining with us and for that submission. Cebu, do you want to make any response?

03:32

I don't think anything substantial. Just to say that, just to confirm, as I indicated earlier, when discussing the change request, that we've been progressing very constructive negotiations with Anglian Water, that we understand that we have now reached a position that is acceptable to both parties. We have reduced that land take or other we are seeking to reduce that then take through the change request, and that we are seeking to ensure that the pipeline is constructed as far east as possible. There is no land sterilised so far that is within our gift. And it's on that basis that we are we have reached agreement with Mr. Sweetland client, thank you very much.

04:15

Mean, winding back three months, our concern was whether or not this request was was proportionate. Bearing in mind that you you're seeking 100 metres everywhere else, but you're seeking 200 metres over Anglian Water. And therefore, I think there was a question that was raised in our minds as to whether or not that could possibly be proportionate. And to what to what extent do you think you're going to be able to reassure us on on that point, you know, obviously there's less land being required now, but I think it's still going to be more than 100 metres

04:59

in turn Because of the extent of land that is required, and the necessity for such land take as is envisaged by the change request. I'm going to have to pass over to I think Mr. Cunningham in this instance.

05:17

Melkonian senior construction advisor Harper energy at the widest point at the moment, and that's taking into account just with the easement, it's about 115 metres, we haven't actually reduced it because we haven't finished the design either side, when we've measured it out when you take out the 14 metres for the existing angle and point light that we can't go into.

05:39

Sorry, did you say 115? Yeah, if

05:42

you take out the 14 metre easement, that's allowed seven metres, I decided Anglin pipeline, it comes down to 115 metres, but that was really also fill boundaries to align them as well. So we tried to reduce any impact. We've had slivers, Atlantic, etc. but maintain the flexibility for the HDD crossing.

06:03

Yeah, I think that's very helpful. And I think that sort of goes a long way to jumping over the hurdle of the proportion of point which, you know, as you as I said earlier, 100 metres is against 200 metres, it was a little difficult, difficult to, to explain that away. But yeah, that that's really helpful. Obviously, once

that's acceptable, look at him in detail, but I think I think we can understand that with the way that's going. That helps sweetening Do you want to say anything else?

06:39

Nothing further, sir. Thank you.

06:43

Okay, well, thank you very much indeed for coming along. And joining us and giving us your views. That's, that's appreciated. Right, well, moving on. We were expecting at this moment to hear from national gas. But I don't think that they're going to to her to be coming along. We will be touching on them later when we talk about the the the Sachi entertainers position. But can I just ask both in the room, and virtually Is there anybody else who wants to make any comments at this stage? If there are any other affected persons whose rights might be affected, they can put their own case forward in writing. So please, please feel free to do that. as appropriate. Right now proposed to move on to Agenda Item number five, which is the compulsory acquisition schedule. Now updated versions of this have been submitted each deadline. And thank you to the applicant for preparing this in a different format. I hope that wasn't too much of a test for you, but probably was, but thank you for your your efforts. Very well done for your efforts there. We did originally look at ch one where we queried that there weren't any objections that would be made. And the latest version shows 11 that are the outstanding the the people who've either spoken today or who Mr. Johnson was appearing on behalf of not actually lodged objections. Can the applicant confirm their latest position with the negotiations with the 11? Outstanding objections?

08:55

Thank you, sir. I mean, in relation. First thing to say is I have some sympathy with examining authority and indeed with my team insofar as it's not always clear, whether a particular representation amounts to an objection to compulsory acquisition or not, because language is not necessarily used in that sort of precise way. What I know Mr. Brown has done is generally to look to take a cautious approach, so that those who are could be described as objectors are, are described as objectives. So we've tried to err on that side. In terms of the 11 outstanding party or outstanding objections or rather representations we have, we have treated as objections. So you'll note firstly, two of those are from Mr. Strawson. In relation to or certainly they are Strawson representations and they was on the back of this morning session. We regard as virtually settled on the basis that Mr. Strawson has confirmed that he's not objecting to this scheme subject

10:12

to what I don't think Mr. Strawson ever objected. What's in terms of? He's not on my list of 11. All right. Well,

10:19

it will you and I will need to tally because I have

10:22

a church I very quickly run through I think at 11. You give

10:26

me your elevens. Yeah. I speak to you about those Better that than I did.

10:30

There are two Tempest Yes. Three houses. Yes, sir. National Gas. Yes, sir. National Highways. Yes. Natural England.

10:41

Right. They went on minus Phillips 66.

10:45

Network Rail. Yes, sir. And you had the Environment Agency? Yes. They were they were Yeah. Those are my 11 three, eight. Yes. 11. Well, I've

10:58

worked with those them. And I'll tell you about those.

11:00

Yeah, I think we're assuming that Mr. straws and Mr. Unsworth and as well, aren't actually objecting, as we discussed earlier, you know, those the 11 thing? I'm grateful?

11:11

Well look to take matters in no particular order. Certainly, as far as Phillips 66 is concerned. I don't think there's anything I can add to the discussion. You've already heard between myself and Mr. Arnot, I mean, we are where we are, they maintain their objection on a protective basis. But both parties are very confident that agreement is going to be reached and progress is being made. Secondly, so far as to Tempest, objections are concerned, you've heard from Mr. Brown, that in the event that the change application that we have made is accepted, then we would not be seeking to acquire their contracts. And therefore, I mean, certainly there, insofar as their objections specifically relate to the compulsory acquisition of their land interests, that would no longer bite and they would fall away as well. So far as Network Rail is concerned. So again, you will have dealt with Network Rail in the context of many of these examinations or indeed other inquiries more generally, it is absolutely properly their position to lodge holding objections whilst matters are ironed out between them between an applicant and they. We are making good progress with Network Rail as ever, I'm afraid with Network Rail, it's not rapid progress, because that's not how things tend to work with them and negotiations are positive and constructive. We have we already have a basic Asset Protection Agreement in place. We are well advanced with protected provisions and with an overarching framework agreement. Certainly we see we anticipate no difficulty in reaching consensus with them. So far as ng t is concerned. So you'll understand from the previous compulsory acquisition hearing that they have, they were at that point maintaining an objection and indeed also taking a point in relation to their position. qua statutory Undertaker, read the Federal Tort facility, we have reached agreement with them in terms of an option lease and so on. And in terms of protective provisions, that is both in terms of MGT as property interest in federal thought, and in terms of MGT as the operator of other pipelines in the area, across the board,

we've reached agreement with them, albeit that there are final eyes to be dotted and T's to be crossed. And the reason they're not here today is because we have reached agreement with them and the construction. The discussions have been constructive and fruitful. It is really just a question of moving through the approvals process now. So they're on your list of 11. And they mean that they are still there, but we anticipate that in the very near future, they will fall away in terms of the three house objections. So the position is broadly as follows. There are it's fair to say there have been some there has been some degree of difficulty insofar as firstly, you may be aware, and indeed I don't know whether this was discussed last time around but the house family had interest in what is now the federal Thorpe's facility, and that facility was constructed on off the back of compulsory acquisition from their land holdings. And understandably they have sensitivities therefore, regarding compulsory acquisition process against that backdrop, that is Say that understandable suspicion of compulsory acquisition. We have been undertaking certain preliminary investigative works on their land. And in the course of undertaking those works, there was I do say this advisedly and I've seen the pictures and I understand the position there was a very limited extent of surface disturbance at grade in terms of wheels rutting small, small area of grassland to the side of an access track. There's been discussion with Mrs. House regarding how that might be rectified and whether there was a particular contractor she would like to have undertake those works. And we haven't heard back from her on that. What she did indicate was that she wished those works not to take place before the summer, because I think that was to do with not disturbing her cattle. So we've not done that. But we're seeking to reach agreement with her in relation to a suitable contractor. It may be that if we if she doesn't come back to us, with a contractor that we suggest making a payment to her to enable her to make payment to a contractor as in when she wishes to do so we're exploring those options, but we are dealing really with her agent at present rather than with her because that is a more constructive, and I hope a sort of more peaceful process for her. So dealing with her agent. In terms of the actual extent of substantive negotiations, we really understand the concern on the part of Miss house to be in relation to traffic. And the extent to which both construction and operational traffic will result in disturbance to farming activities or else to the caravan park business. What we have communicated to her agent is that in fact, the traffic that she's concerned about is going to be far more limited than she anticipates. And to be clear, what we anticipate in this regard is that during construction, there will be an initial five to six HGVs. Coming to site in order to deliver materials. During the course of construction, there will be a sum total of eight to 10, light, good light goods vehicle movements, only eight to 10 throughout the construction process. And then at the combination, those five to six HGVs would come back to take away materials. So in totality, there will be those 10 to 12 HGV movements and eight to 10 lights, good light, good vehicle and movement. So it is going to be a very limited degree of interference. And we hope that once those matters are understood by just how she will be less concerned about the position. But as I say negotiations at the moment are going through her agent. But we are engaging with her agent, we are engaging constructively. And you know, we hope to reach a positive resolution. But the position is ever slightly sensitive, particularly having regard to the history. So we can't confirm with the same degree of confidence that we can with others, that there will be a positive outcome. If that's okay, thank you. So

18:49

just just very briefly before we move on to the final of the 11 If you were I see, I believe it's Mrs. Taos his hand is raised online I think might now be an appropriate time just to justice for her if she absolutely

so wish to say anything if you'd like to come in you may need to unmute the computer and and and turn your camera on. Hello. Hello. Yes, we can hear you. Yes,

19:20

there's been no negotiations. I have an email to say that they're waiting for contractors to come back with quotes rejected wrong quotes have been too expensive. My concern that they're going between two properties. Anyway, will I be able to raise all this tomorrow at this meeting?

19:48

At the accompanied site inspection there won't necessarily be any discussion about merits of the case. It's mainly pointing out physical features on the land. So if there's something you wish to raise this as a point of matter and an issue as such, you may even do it verbally now, or you can put it in writing for deadline for.

20:11

Okay, well, yeah, I mean, I've had no negotiations. I'm there waiting for quotes for contractors. My concerns their Natterjack toes, which they denied I been in the vicinity. They're also scheduled one protected birds on the land. Yeah.

20:38

Okay. Can I just sorry to interrupt, but have you got any concerns regarding the acquisition of land? No, no mentioned, the toads and the birds. They're there, if you'd like to environmental issues, but in terms of the actual proposed land take, do you have any concerns in that regard?

20:57

I wasn't aware there was any land take have not been informed a car as a one access route.

21:08

Okay, bear with me. Well, I'll come back to the applicants team on that. I'm just

21:11

going to pass to Mr. Brown to my right in relation to its plot statistics for I believe in and 36. Six, I don't know whether it would be helpful to have those up on screen. Yes, please.

21:23

That Yeah. Carry on. Mr. Brown? Yes.

21:25

Is the acquisition of the rights for access? So I'm not sure if there's any confusion there over land taking the the rights of access? Okay.

21:37

Am I right in thinking that near swallow park, there is a widening of an access the track there because I believe there as from I don't know if it's in the south Mrs. House but concerned about the shower block that was there.

21:54

And so the drawings up on the screen at the moment, the the widening or what looks to be widening the access there is to enable potential cutting back of trees for visibility. There's no physical works envisaged to take place in that area whatsoever. And we can confirm that today. We're seeking the rights to access across that land to what is the dunes wild area?

22:20

Okay, thank you for clarifying that. And apologies for any confusion there. Mrs. House on that? Did the applicant want to come back any more than what you've already said about negotiations and contractors and whatnot?

22:35

No, so I'm not sure. That would be helpful. I mean, certainly, as regards matters relating to Natterjack, toads and protected birds. I think that's for another day in terms of environmental considerations. So far as contractors in relation to that service disturbance are concerned, it's right to say that we have sought to get quotes for that work. We've also asked, because we want to ensure that the contractor is one that his house is happy with the

23:05

contractor that you brought, and we all agreed.

23:10

Right to have to take instructions on that. Yeah.

23:12

One second, Mrs. House, I've just heard from the applicant.

23:18

As I understand matters, we don't have an agreed contract at present, I'll need to take instructions on that particular point. And it may be that I'll have to come we'll have to come back to you very briefly as an action point in writing on that.

23:28

Okay. I mean, certainly one thing that can be done tomorrow, the accompany site inspection, whilst the examining authority are looking around, there will be one or two members of the applicants team present as well. So by all means, Mrs. House, you know, what, whilst whilst they are there, you know, grab them, talk to them, and that they'll probably grab you and talk to you as well. But then it can be, you know, hopefully discussed face to face and that can be moved forward. Absolutely.

23:54

Say I understand why they're saying it's me holding up the work. Okay.

24:03

Sorry, say that it wasn't there wasn't any intention to suggest that was how it was holding up the work. What what I'd indicated was that mine, my instructions are that we'd been told that the work shouldn't be done before the summer. May. Right. And that also the we'd invited his house to identify contractors, and we were waiting to hear back from her on that score. But so I'm not suggesting that this isn't any way Miss houses fault. And that is certainly not my intention. The only further point I was going to make was that quite apart from the fact that tomorrow, she will be able to grab Mr. Brown so to speak. She will also be able to point out to you because whilst it's not a an open session, in the sense of parties making representations, she would be able to point out to you the area of land that she's concerned about. Okay,

25:13

Yes, of course, that's we're continuing to do that to try and assist and find that contractor there to help or to assist, as we've asked the Saudis agent if they can provide the details of contractors that we can approach to ensure that this work is done in the shortest possible time. Just wanted to clarify, there's absolutely no tension, especially in this way holding.

25:39

Okay. Okay, that there may be an agree to disagree position on there. But my recommendation would be is at the accompanied site inspection, not know, with the, with the presence, the examiner authority, because we can only take no physical features been pointed out to us on site, no discussion of issues as such. But whilst you're both there, at that first part of the site visit, then by all means use the opportunity to speak into into further things there. Yeah, I've got I can't think of anything more to say on that. So thank you, Mrs. House for chipping in there. That's that's been useful for us. I'll now come back to the applicant for the final. You're going through the 11. I think it was just natural England and the Environment Agency, the ones you hadn't got to? Yes,

26:29

I think it's natural England national highways and the environmental agency. I think it was in terms of those three, sir. Environmental Agency. My understanding and I may be wrong, and Mr. Monroe will correct me if I am, they are no longer objecting. Is that correct? That is that's certainly that's my understanding. I'm told that that is correct. So they aren't any longer. And if to the extent they were and objected to the scheme, as regards national highways, we are in the course of negotiating protective provisions with them, those negotiations are moving forward positively. And whilst agreement hasn't yet been reached, there are no deal braking issues as viewed via the side. And it's simply a question of bottoming out. Final matters, I can't tell you that we're on the point of putting pen to paper, but there's no concern on either their part or ours. And then lastly, in terms of Natural England, so we don't believe that they are certainly any longer objecting on compulsory acquisition grounds. They've appointed land agents now who we are in discussions with. And, again, we simply see that as a matter of negotiation and discussion, and we anticipate a positive outcome. I don't know whether I need it, Mr. Brown, or Mr. Monroe can assist further in that regard. It may be that they can't.

28:03

There's nothing else to add. That's essentially the position. So thank you.

28:10

Thanks for that. Just to pick up on the environmental environmental agency. I don't think they have formally withdrawn their objection. So then might want to give them a little bit of a nudge there. And the same in Natural England. You know, we've got an objection as far as we're concerned. So

28:30

that's very helpful for you to to note that, because certainly the had fallen off my radar, as had another thing Natural England rally on it. So we will make sure that we prompt discussions from both of those prompt communications from both of those parties to confirm that certainly, as regards compulsory acquisition powers, they are not objecting to the scheme. So we'll come back to you hopefully, in relatively short order. So I can actually see that Mr. Arnot hand is raised and and if you can see that way you aren't?

29:00

Yes, indeed. Thank you very much for that. Did.

29:03

You so just a very brief bio. Just to add to the list, I don't think we've covered and there's nothing further to say from what I said earlier, but I think a PT and H O TT are so separately an object? I'm not sure that was on the list of an ad that says nothing other than to say, should be on the list. Nothing further to say from what what was said earlier on. Yeah, I don't think that you've picked up where I was going in a moment because obviously the list is freehold objectors. And that there are I think, three leasehold project. Objectives and Mr. Ahn has picked up on a couple of them, associated petroleum petroleum terminals and Humber oil terminals. There's also Air Products. So the CEO sheduled is purely dealing with freehold interests and I am aware that there There are a number of leasehold, and I think it's those three who are also objecting at the moment the Cha Cha shedule only deals with freehold interests. So perhaps it could be updated at deadline for to make sure that any leasehold interest who is objecting him as a sale I I'm aware of those three could be included.

30:21

Thank you. So yes, we'll definitely do that. So far as a effectively the IoT combination, so to speak, abt and H O TT is concerned, we'll certainly make sure they're on on the shedule in the tracker. But you've heard the position in relation to them already, from Mr. Arnot and myself, in relation to Air Products. Again, I'm confirmed, Mr. Monroe confirms to me that we're in the course of negotiating protective provisions with them constructive negotiations. I appreciate that a little something of a mantra that you're hearing from me, but it it just is the way of things at this stage of an examination. But again, no concerns that we have, or once we understand it, that they have that agreement won't be reached.

31:09

Thank you for that. And there was another one that not a leasehold interest, but another interest that that I was aware of, which is PD ports. Now, they did originally say they were going to come and speak

today. I think there was apparently going to be a meeting on the week commencing the 10th of June. I just wonder if that meeting took place? And if so what happened with it? Yes,

31:35

sir. I can confirm that we had a meeting with them on Thursday, the 13th of June to discuss their concerns, essentially. i My understanding is that subsequent to that meeting, they made a representation that partially withdrew their objections. So I didn't go well, that's good to hear that that's made it through, we understand that their residual concerns relate to the ability to maintain access to their facility or flat Port Road. Mr. Davis, who's sat three to my right, has written to PD ports and dealing roads on Friday the 21st of last week to offer a further meeting to discuss matters. So they are alive, we are addressing them. And I've been just to tell you, sir, now that Mr. Davis has letter stated as follows, we can reaffirm that there will be no road closures or weight limits imposed on the roads in the mem area. I noted that PD ports are seeking assurances that our works will not impact operations from last Port Road. And we will be able to provide this assurance at our next meeting as we plan to use the A 1173 and not Laporte road. So we understand that there is a an element of their objection, which is maintained that relates to access. In fact, there is no basis for the concern, as Mr. Davis has made clear in writing and will make clear in the course of a meeting, should they take us up on it. But I anticipate that that's why they have not participated in today's Sch.

33:22

If we could ask that you could submit something on that deadline for about PD ports, because as I say, we're looking at looking at their original, some submission, or the deadline one submission, which I think was rep one. Oh 92. There's quite discussion over restrictive covenants. And I think there wasn't sort of clear understanding of, of the position. So bearing in mind, as far as the say a concern, we're not entirely clear as to whether or not there is an objection. It will be helpful if you could specifically on our products, give us chapter immerse her by deadline for

34:06

such a PD port. Yes, it will clarify that present Thank you.

34:22

Right, unless anyone has anything else to say on ca Traco. We can move on to the next item on the agenda.

34:33

Thank you very much. We move on then to Agenda Item five, which is statutory undertakers. There's two lines of inquiry I'd like to take up with the applicant on this. The first one is a specific one, if you like and that's relating to national gas. The last publicly available information from both parties suggested there was a disagreement as to whether it's a national gas facility Federal fork constituted statutory Undertaker land. And there's debate whether section 127 of the Planning Act 2008 is engaged in respect of that land. The applicant says, No, of course it isn't. Whereas national gas have said, well, of course, it is. Notwithstanding that there was an agreement in the offing, for the for the use of that land for federal form option one, we are going to still need to write in our recommendation report to the

Secretary of State about this land. And whether or not it constitutes statutory Undertaker land, has there been any moving of the position on either side in relation to that, please?

35:42

Sir, my understanding is that there has not and the reason for that, I believe is that because the parties have been focusing their efforts on reaching agreement, that issue of section 127 And the question of the status of battlefield as rather than put to one side I know that you have already received from the applicant, sir, a position statement, I think that went in it might have gone in at deadline one I can't remember. Yes. Where we've sought to set out summarise our position. Just give me one moment I've got a while ago, I had a laptop stolen. And the laptop I have now has so many security features on it that if I'm not constantly using it, is they're locking me out of it. Which is incredibly frustrating, particularly when you're trying to keep up a flow and at least it's secure. Yes, absolutely. That's that's the key thing, isn't it?

36:52

Okay, now, it's not working currently at present, it's very frustrating. Well, I'm in relation to Section 127. Opposition. So I'm gonna decide whether you wishes to reiterate it now.

37:01

I just want to know if there's been any movement on it, because at the moment there is similarly an impasse between the two of you as to whether this is statutory Undertaker land or lat National Grid, I believe it was in response to our rule 17 letter at deadline three, came back and said, Well, of course, this is statutory Undertaker land, the applicant is completely wrong. And I think I'm quoting there rather than anything else. And so I'm, I'm left in this quandary, if you like, is, what what the status of that is and how we should report on it?

37:32

Well, I suppose. So my position is essentially to fold in the event that agreement is reached. between the parties, natural gas will be withdrawing there. They will be withdrawing their objection. In those circumstances, sir. It will not in my respectful submission be necessary for you to report I'm trying to pull up section 127. Now, because there will not be an objection from the undertaker maintaining that land satisfies the relevant criteria. So what we anticipate is a situation where you will not need to report on the matter. That said. Well, I suppose I suppose I'm then left in a situation where, if you wish me to address you on the substance of our position as to why the various statutory criteria are not met? I can certainly do that. But I'm conscious that that is not the question that you asked you asked, Have the parties moved? And the short answer to that is No, they haven't. Very definitely we have not moved and we absolutely maintain the position. Indeed, I'd go so far as so I go as far as to say that the country is simply unarguable and it no tangible argument can be maintained in respect of it. And I can explain you explain to you why I hold that view.

39:07

Well, hang on a second, Mr. Booth. This is set out in some detail in statement of reasons. Yeah. And, you know, essentially, your argument is is put there. Now, national gas have come back with a quite affirm battle. And what we want is for you to reply to that rebuttal. We don't hear it now. But we want we

want a reasoned rebuttal to what end GT are saying and you say it's an arguable but MGT are arguing it? And I must admit it does seem they just seem some some weight in what they're saying. I don't I don't think it's complete, no hope or by any means. And I think what we're looking for is a reason response to that. And I don't think that if they withdraw their objection that this necessarily deals with this point, I think you've still got to deal with this, that you've raised the issue of section one to seven, you don't think they fall within it? Now, if MGT had been here today, I was going to ask them, have you ever had this raised on any other site, as any doubt being put on your position as as such the undertaker? And I strongly suspect that he said, No, it's never been raised before. We did a quick search around the the inspectors, and no one's seen this raise before doubting the section 127, it probably has somewhere but no one's necessarily aware of it. And we discussed it at ch one and had it had it had a chat about it, then, and the applicant said, which was absolutely the case that it's very case specific, it will depend on on the circumstances of each case. But the difficulty we have with this is that there's still a permission in force, because they got to return it to agricultural land, they got another nine months or whatever it is due to deal with that. So I was I was struck, I certainly don't think it's an arguable the point that they're putting forward. And we need to have this resolved one way or the other, irrespective of whether or not the objections withdrawn. Because you know, how it's been raised here, I can just see that an applicant is going to be raising this with statutory undertakers on many a case. And we want some clarity, because, you know, it's something that, you know, could be raised in the future. And therefore, the applicants raised it put it in statement of reasons it's gone in with a subsequent statement of reasons. We've had a very forceful response from ng t. And I think you need to have to deal with that whether or not the objection is withdrawn.

42:03

So I'm grateful for that. First thing to say is that we will provide as you ask a written response to the NTT document, so you have our observations as to the merits or otherwise, of what they are saying. So in tomorrow, that's your request, we will absolutely accommodate that. But to be clear, the basis on which I say that, in the event of agreement being reached, it will not be necessary for you to report on the matter is by reference to the statutory language. And if I could take you to Section 127, I don't know whether that's a good thing. Some of that you can turn up. But alternatively, so I'm going to write I can read that out.

42:49

In the statement to read, actually, you have

42:52

it there. It's specific. Subsection one, B, because you'll be aware, if you will be aware that in order for the section to be engaged, all three of those sub paragraphs, A, B, and C need to be satisfied. And the arguments, the substantive arguments really relate to subparagraph C, which is, effectively the question of whether or not the land is used for the purposes of carrying out the undertaking, and whether or whether an interest in land is held for those purposes. And so I can see that we could have an argument where we still fighting ourselves, and then the GT might have an argument about the substantive merits of satisfying that, rather than either one of those criteria. What I'm concerned with there is subparagraph, one B, which is that a representation has been made about an application for an order granting development consent before the completion of the examination of the application, and

the representation has not been withdrawn. So we anticipate that what is going to happen as part of the agreement that we are on the point of reaching with ng t is that they are going to withdraw their representation. And in those circumstances, we say section 127 does not bite. Now, notwithstanding that the representation has not been withdrawn at present, you have very reasonably asked that we respond to their arguments, and we are going to do that. So we're going to provide you with that document. So you have it. All I will say at this stage is that we anticipate that you will you won't need to deal with it and to grapple with the issues that we and they are raising substantively because ultimately, subsection one B of section 127 is not going to be satisfied therefore section 127 will not bite.

44:45

I hear that I understand what you're saying and we may or might not be included in our recommendation. But I think we still need to have the point resolved. So yes, we do want that written comment by deadline for so that, you know, we can really factor in the standing was statutory Undertaker when a DCO applications made, so we'll press for that. But I do take your point about the report to the Secretary of State.

45:18

So I'm not suggesting for a second, we're not going to provide that document. That's why I preface my comments with we will be providing it to you. So.

45:24

And just one final point, if I may, about this particular statute you undertake or not sort of position just to make clear that any any issue that's been had with national gas purely relates to the acquisition of the land where the above ground infrastructure is, the southern construction compound, as far as I remember from the previous ch has never been a point of dispute between because it's a temporary use of land in effect.

45:57

Yes, sir. That's my instruction. Okay.

45:59

Thank you very much for for confirming that. onto a more general point, then regarding statutory undertakers, if you'd like how's it going? Obviously, we've got some protective provisions being drawn up. Are there any particular sticking points if you'd like to, we need to be aware of that's preventing those provisions been signed off on.

46:19

So in relation to statutory undertakers more broadly, you've already heard from us and indeed from others in relation to a number of the Su's Anglian Water MGT Network Rail products, IoT Phillips 66 national highways and fact the list we've we've dealt with most of them already. And so far as a Northern Powergrid. Northern Powergrid we've agreed projective provisions with them. I can't recall whether that objection has been withdrawn or not, if not it on the point of being withdrawn. I think the other Saturday Undertaker's that I haven't already addressed the examination on our cadent BPI nm and calor gas. So far as Caden are concerned, we've made very positive progress in relation to

protective provisions. My recollection is there's only one point outstanding, and we're not overly concerned about that. Vbi immingham. As the examination is aware, they are strongly supportive of the scheme in principle, I think they spoke very positive last time around, we have made good progress with them. In the interest of full disclosure, they'd gone slightly quiet recently. But you'll understand that to a certain extent, we can take horses to water and but we can't make them drink. So there has to be the interest. The motivation on the other side of the fence for us to make real progress. Certainly there's no concern in relation to VPI mem, regarding hiccups or sticky points or deal breakers. And similarly, with calor gas, the position is also positive. Again, I there were some discussions about access arrangements, but we've had positive discussions with them. And again, there's no cause for concern that I need to flag for the examining authorities. So in relation to all of the various statutory undertakers, there's that headline is there's nothing to see here. We aren't across the finish line. But we're making what we regard as very positive progress as and when and if there is a hiccup, and that we are more concerned about, we would notify the examining authority at that point, but that's certainly not where we are at the moment. Okay.

48:50

And Fidel, I think already know the answer this question, I'll ask it anyway. Do you anticipate that all of those will be signed off before the close of the examination?

48:58

Yes, sir. We do anticipate that all of that will be signed off before the close of the examination.

49:02

Thank you very much. Thank you. That completes my questions under agenda item five. Anything else, John? Which case onto this agenda? Yeah,

49:13

moving on to agenda item six, which is Crown land. We did see earlier. One of the sites is the DVS. Bay site, and they put it put in a submission, which is basically be they don't think there's any alternative for them, and then subsequently, it sounds as though it is possible for them to remain on that site. And so that that problem seemed to have been resolved to some extent. I think there's still some degree of uncertainty because of the routing options. Through there through through that site, I just wondered to what extent that had been resolved and whether or not you've managed to sort out how it can go through the DVS. Site A site so that they are comfortable and don't have to move.

50:11

So I mean, to the extent you need some further detail from someone that actually knows, I can pass down the line to Mr. Cunningham. But I think I can address this insofar as we've had a series of positive engagements with the dbsa. In fact, we met them last week. And we are meeting them again, tomorrow. In fact, there is agreement that we do not need to stray into the operational land. And we can stay within what both parties regard as the preferred area. We have now completed a pipeline route walkover with the contractor. And, in fact, we haven't actually because that is hot off the press news, we haven't actually discussed that with the DSA and we're going to be discussing it with them tomorrow, we are in a position to essentially confirm the routing can be through this preferred area. We

which will not entail any disturbance of their operations. So it's a very positive scenario. And we anticipate coming to agreement in the short to medium term in relation to their interest.

51:31

Fine. So that's within the order limits that

51:35

sits within the order limit. So I don't know if you need anything further from an engineer on that point, but I wasn't suggesting that you did. But I wanted to make people available in case, of

51:44

course, now, I didn't know if you wanted to say anything. I know you had your name mentioned.

51:48

No coming. Sure. No, there's nothing further to add to that.

51:51

Okay. Thank you very much. Just one quick question, if I may say. So. Obviously, that's within the order limits. You're not anticipating a further change request application to reduce your limits in that area.

52:09

I might need to take some instructions on that point. And having promised you there wouldn't be any change requests going forward. Obviously, I'm very conscious. But if I may, we might come back to you. I don't know whether whether we're going to Well, might have come back to you in a moment when I can take instructions on that. I

52:26

think I saw Mr. Brown shaking his head, which are all good. Yeah. And across you there. So

52:33

we'll deal with that through the consented agreement and how we propose that but we need to have a conversation with them again tomorrow as to how we deal with that. But I wouldn't anticipate when he's changed your limits, as long as I'm

52:43

not wishing to prejudge any conversations you have with them. Fair enough. Thank you. So sorry, carry on.

52:50

You seem to be in a lot of meetings tomorrow. Mr. Brown, you seem to?

53:01

Be perhaps we could ask you to update a deadline for position with them. dbsa. There's no how that's going on. But it certainly seems to be going in the in the right direction. That's that's the major piece of Crown land. But there are obviously further plots on the foreshore plots, 3612 1415 and 16. Can Can provide an update concerning progress as to obtaining section 135 consent for these plots?

53:40

Yes. The starting point is that I mean, doubtless, when we came to the examination, you were ever so slightly disappointed, because the guidance is clear. It says that you should engage with the Crown Estate at an early stage. So before the examination starts, you effectively have the section 135 Consent in your back pocket, and we are not in that position. So I believe you've been told already why that is. And indeed, I know that in answer to your first round of questions, I think relevant question is 1.5 point 30. We provide a summary explanation. Essentially, we sought to engage with the Crown Estate at a very early stage, but they were focused on other CCS projects track one project and obviously they have only so much bandwidth. We are now engaging constructively with the Crown Estate. To date, the focus or their focus has been as regards offshore elements. But they have recently agreed the need to engage with us constructively and promptly in relation to the section 135 Consent issue. We in fact have a meeting scheduled with them in that regard on the first of July. I say relatively little progress has been made to date, they asked to prepare the first round of heads of terms, which is why we have not done that already. But in advance of our meeting scheduled for the first of July, they have, in fact, this morning sent through to us and the first round of heads of terms. So we haven't actually had an opportunity to consider them yet, but they are in our inbox now. And we will be giving them significant consideration and thoughts in advance of the meeting, which comes next week. So we are making substantive progress with them. That is essentially the the background and the stage that stage that matters have reached one further thing I would say is that notwithstanding that we are partway through our examination, our expectation is still that section 135 consent will be secured by the close of the examination. Having regard to the fact that ultimately, this is not a particularly complex situation to discuss with the Crown Estate now that we are discussing it. It's essentially the change of permitted use of the pipeline and a restatement of an existing lease. I mean, these aren't, it's not beyond the wit of man to move quite quickly on these matters. Once we start the ball rolling, they do now have solicitors on board. They have now centres draft heads of terms. So we hope to move forward with matters expeditiously.

56:43

Thank you for that. You did say in the statement of reasons that paragraph 10 point 1.5. That it is not anticipated. There'll be any difficulty in securing the agreement with the Crown estates. That was actually submitted eight months ago. And as you say, we're halfway through the examination period. If the section 135 Consent is not available by the close of the examination. How do you think the the examining authority should should should deal with the fact that we haven't got that consent?

57:22

I think so there are a number of stages to the process. And the first thing to say is obviously we have to hold our hands up in relation to that statement in the statement of reasons. What I would say in relation to that position that we adopted, that relates really to our view, and we maintain this view that there is no substantive issue. And that substantively, we will be able to come to terms with the Crown Estate,

the problem has been effectively attracting their attention and having them engage with us. And now we're in that process, we do anticipate that matters will run more smoothly. That said to you rightly say we're halfway through the examination, you of course now need to grapple with the possibility, however unlikely, but you need to grab definitely grapple with the possibility that section 135 consent will not be secured by the close of the examination. But in the event that that does happen, I that we have to fall back from our stage one position, which is that we have section 135 consent to our stage two position that we don't have it, we would respectfully ask that you include within your report to the Secretary of State the suggestion that they seek from us and update during the period post examination and prior to decision. That would be appropriate, we think in the circumstances, given the volume of work that the Crown Estate is engaged in in terms of dealing with these and other projects, where it to result don't come forward. So so we recognise that as a very, very, very, very last resort might be something that you wish to entertain. But so we are in June towards the end of June at present, we have until the end of September to secure that session wondering if I consent, we are in active negotiations with the Crown Estate now we're sitting down with them next week, we are fully confident that we will obtain the right result before the end of the examination. And if we didn't, it would be entirely appropriate for us to provide an update to the Secretary of State prior to reaching a decision. So I don't know if that covers all the various bases that you might think are relevant in this context, sir, but happy to answer for the question.

59:47

Yes, that's that's very helpful. The way you outline that and and assuming the DVS as site. Negotiations are successful there. We accept that we're dealing With with some elements of foreshore which which could be argued and not perhaps integral to two parts of the scheme. I think we only raise it because I mean, you will be aware that that in some recent DCO considerations, the recommendation report has been that the Secretary of State should not grant and one of the grounds for them not granting has been the lack of crank consent. So there have been some occasions, rather different circumstances. But, yeah, it is it is an important factor. And it's interesting to hear that the progress has been made, and no doubt you'll update us with them with with the details of the deferred further negotiations. Fine, okay. If we could move on, we're still on. Crown land? Can I just ask for the the bridging document, a PP, one to eight to be brought up on page 41.

1:01:14

And the reason the reason why I'm going referring to this is that the consents and applicant and agreements position statement was updated a deadline one to include reference to the various consents which need to be obtained before the offshore elements of the project can be constructed. And this is just has some relevance to the discussion we were having earlier about benefits, because you were saying, well, a lot of the benefits of the schema or the total pipeline, the the total project, and we were saying, well, we need to look at the benefits for the proposed development. Now, the offshore elements are of course, owned by the Crown estates. And the response that we saw to issue for the rules 17 letter, sorry, can we go a bit further down on the area 5.5 Is what I was looking at the final investment decision is planned from 2024 with construction commencing late 2024. And first storage from as early as 2027. Now we dealt with that in a rule 17. And you responded to issue four of their own 17 letter dated 24th of may. But it now, you're now saying that you're not going to be making the submission of the environmental statements until the first quarter of 2025. So there's not gonna be any

consent for construction of the new pipeline spur for the offshore installation until obviously, much later. But dealing with the offshore on you're going to need a consent under the Planning Act 2008 for the offshore element.

1:03:25

conscious that I'm coming to this party slightly late insofar as there's been discussions and questions having been raised at a previous hearing. Our position is very definitely no, we will not need a development consent pursuant to the in relation to the shore elements, we will not be making a 2008 planning application 2008 I do have a consent application. So no. So we say not. To the extent that you are still not satisfied on this point, whether you require some further reassurance as to how we anticipate taking matters forward, we can look to put that down in writing for you to

1:04:11

if we go back to page five of the bridging document

1:04:24

that's it. Yep, that's what I want. So we look at look at look at that plan of the offshore project. And so you've got the offshore pipeline, and then you've got a rather large you call it an installation topside above the depleted reservoir. What consent are you going to obtain for that rather large installation?

1:04:56

So quite simply, you're going to have afraid have to allow me to come back in writing on that point, because what I don't want to do is give you a partial or inadequate answer, and I'm not in a position to provide you with an answer in relation to that matter, simply because it's not something that I've sought to engage with to this point.

1:05:17

Okay, so that's an extra point. I mean, my my question is, there's a, there's a significant installation. I don't know how high it is, but very high, I think is the is is is how I describe it. My question is, what is the planning consent? Because that's within the UK wall says, What's the planning consent that you're going to get for that rather large installation?

1:05:47

So as I say, we will come back with a written document, but in the interim, Mr. Monroe will address you.

1:05:56

Sir, the, the offshore element that you've just referred to as in development is covered by the Planning Act 2008. The carbon dioxide storage pyramid, which includes the infrastructure is issued by the North Sea transition authority. And that follows consideration of an EIA submitted to operate. So operate, consider the EIA and approve it, and then the North Sea transition authority grant permission for the carbon dioxide storage permit. Alongside that, there'll be an application to the marine management organisation for any marine licence that was required to undertake those works, but is not development that will be covered by the Planning Act 2008.

1:06:45

So you're telling me that installation, which is whatever however, many metres above above sea level, is not going to be subject to a planning consent.

1:06:59

patrimonial for the applicant is subject to, to consent to other consents. So, for example, the marine management organisation grant marine licences for works in the marine environment that is a form it's similar to a planning consent.

1:07:30

Okay. I'm dealing with the marine licence. You did say in your response to the rule 17 letter issue for all that you're possibly you might possibly need a marine licence? Is that correct that you're possibly going to need a marine licence.

1:08:02

Monroe Monroe, for the applicant, there are ongoing discussions with the MMO, about which elements of that might require American licence, the we can come back to this in writing, but they're often the offshore infrastructure will be concerned between the carbon dioxide storage permit that the North Sea transition Authority is responsible for, and the pipeline works authorization, which again, the North Sea transition Authority is responsible for. If any of those works fall within the marine and coastal access act 2009 provisions as well, then a marine licence would be required from the MMO. But there's none of those works fall within the Planning Act. He says I'm gonna hit regime.

1:08:45

What I would distinguish between the pipeline where I accept what you're saying, and the installation. And so I would like you to come back and explain to me why the installation above sea level why that you're not you're not going to require a planning consent for that.

1:09:06

I don't know if that's going to get that absolutely fine. We can respond to that deadline for.

1:09:24

And you're still saying you possibly might not need every Marine licence.

1:09:32

Part one of the app can the if again, this is the point we can respond to more detail and writing but certain certain activities will fall within the marine licencing regime under the marine and coastal access act 2009. What has been discussed with the MMO at the moment is whether the scope of the works that are proposed offshore do fall within that licencing regime or whether they will Whether they will fall fully within the scope of what is permitted by the North Sea transition authority.

1:10:06

My understanding marine licence is going to be concerned with such issues as navigation, fishing, habitat, sea mammals Orthology, as opposed to anything construction, so it seems to be a little bit of

uncertainty as to exactly what is required. So as we've discussed, if you could come back about the requirement for marine licence, and also the planning consent for that, for that installation, that would be that would be useful. But the reason why we're asking about this is that it feeds back into issue number four in our rule 17 letter, ie the construction programme. And when the offshore elements will be constructed, because bridging document originally said, much earlier date, and the date seems to be getting pushed back. And if the applicant isn't quite sure whether a marine licence is required, if we're not, the XA are not quite convinced about which consents are going to be required. And I did mention some of the the issues that marine licence will be looking at. There's there's quite a timescale with all these issues. So do you would you would you say that construction beginning even in 2025, is beginning to look pretty optimistic.

1:11:49

Part one of the applicant need to take instructions on that point, we'd be grateful if we could respond to that, as part of the wider clarification. It's very helpful to understand whether your concerns are coming from and I think we can cover that off in a, in a technical note.

1:12:24

Think we'll come on to this again in a moment. But I think it's just our concern that, you know, the offshore elements are not progressing as much as we would expect. And you'll no doubt be saying, well, that's what happened, for example, on high net. Now, you might refer us to that or, or Drax or or NZ, NZ, he was different because they they were negotiating for a marine licence from the outset. And he actually came in the draft marine licence came in with the application documents. But the concern from our point of view is that you're sure mellem elements are seem to be somewhat off in the distance. And I think your response to our rule 17 letter didn't really give any certainty about the construction programme. And whether or not this the the offshore ever gets built, is a very important factor, bearing in mind that the pipeline, the onshore pipeline, will never be used, if the offshore consent is obtained, but there does seem to be a lack of Well, as far as I'm concerned, there's a lack of clarity about what's going to be happening with the offshore and when. And as I say, I don't think your rule, rule 17 response really helped me too much in that respect. But I know that you'll be submitting on on those points. And I look forward to to receiving your comments.

1:14:11

Thank you very much. Thank you that action is noted. We move on then to the final couple of agenda items. We've got agenda item seven, which is about the human rights legislation. Obviously, of course, the case is outlined in the statement of reasons. That was updated deadline three. Does the applicant wish to add anything at all to explain the exercise of the powers of compulsory acquisition in relation to those laws?

1:14:43

So I don't think we would wish to say anything further at this point unless you had any particular concerns that you wish to raise with us but no, we we don't see the need to send any further now.

1:14:53

No, I had no specific issues there. It's just making sure that nothing else changed, or last week and in which case, we'll come to Agenda Item eight, which is any other business, I've got two minor points. But before I get on to those, is there anyone either online or in the room who's got another appointment of any other business? I see none. So I'll just come on to some my bits. But first of all, just in respect of the change request application that was submitted, that still to be looked at, in the document that's called design changes five to eight. In that document, it states plots 3514, and 3515, have been amended to see acquisition of subsurface rights only. But the book of reference, and the statement of reasons don't reflect that naturally seemed to be removed from those. So if I could just ask that post this hearing, if that could just be looked at tidied up. And any things submitted relative to that, that'd be useful. I see nods. That's good. Thanks very much. And then the only other item of business that I've got really comes from sort of a reflection upon today, and what we've sort of been discussing about the benefits of the project as a whole are the benefits of the proposed development. And I appreciate your coming back on that in writing, but just to know, I've been sitting here, and I've been thinking that at the previous round of hearings, it was suggested, from Natural England originally, actually about the idea of a Grampian style requirement, saying that the onshore element shouldn't be constructed until the offshore elements have been approved. And when you think about the benefits of the scheme, that is, is the hinge if you like that, that at the moment, I appreciate what you say about looking at the project in isolation, the proposed deployment in isolation, you can't do that for the case, because you need to look at the whole. But certainly the discussion originally was the examining authority does not concern itself with the offshore elements. Because that is a separate consenting process, we don't need to concern ourselves only look at the onshore. But certainly for the benefits of the whole proposed development, it seems there needs to be a hinge a join, if you like to guarantee that the two halves of the project are as a whole. And therefore I just like to revisit the applicants thoughts doesn't have to be now it can be in that written document that you're going to prepare about the benefits, that about the idea of a grumping style requirements as to ensure that the the benefits if you like, across the whole project are considered if you like it, don't ever want to respond anything at the moment, that's absurd.

1:17:53

It's helpful to have an indication as to where your thinking is going, because then we can ensure that we provide you with written submissions that effectively answer the point or seek to answer the point at the very least, I'm not going to propose to say anything now. And indeed, I need to take instructions. But I think it's probably better if we don't look to do that, during the course of this hearing. I know it's irrelevant, at least indirectly in terms of compulsory acquisition, but you're raising a sort of a wider point, I think here and I think it's appropriate that we take that away and give further consideration and provide you with a considered response.

1:18:32

That's, that's marvellous, thank you very much for for doing that. I've got nothing any other items of business there. So we'll come on to Agenda Item nine. What I just propose to do. We have been taken note of actions arising during the course of the event. If you could just bear with me five minutes whilst I confer with my colleague if you need a quick drink or quick breath of fresh air, by all means, do so. But if we adjourn the hearing briefly, just for five minutes, just so we can confirm the action points and then we'll come come back to so thank you, sir. I'm from the moment