

TEXT_SizewellC_CAH1_Part1_Session2_170 82021

Tue, 8/17 5:21PM • 1:13:11

00:07

their hearing is now resumed. Mr. Phil port. We are going to hear from you next.

00:17

Thank you, madam. Yes, I was going to turn to Mr. Ian Cunliffe from Gately heymer. He's the land programme, manager. And he's someone who I suspect you'll probably hear from on a number of occasions over the course of this week. But I got to ask him now to just introduce himself and to provide you with an overview of where we are in terms of negotiated acquisition of property. Thank you. Well, obviously, I've had the updates of the SSR penta, C's, B and C. So that's helpful. Thank you.

01:06

Good morning, can you see and hear me? I can indeed Thank you. Thank you, in conliffe on behalf of the applicant, I'm a chartered surveyor and I'm leading on the acquisition of land for the associated development for the projects. As Mr. Phillips set out, we thought it'd be useful just to provide a bit of an update in terms of where we are.

01:31

Quality of where we have arrived at at this point in time.

01:37

The applicant, as you've pointed out, has provided updates in respect of Appendix B to the statement of reasons, status of negotiations with owners of the order and throughout the examination, the most recent submission being rep 601. This document sets out the status of discussions with owners or the online and confirms that the significant majority of land required for the project is either already secured by private treaty agreement, or is subject to sign heads the terms for private treaty agreements. The status of negotiations are reflective or the approach taken by sides will sico. In its significant efforts to secure all land and the rights required for the project, by private treaty agreement wherever possible, with compulsory acquisition powers to only be used as a last resort.

02:28

The applicant has been consistent in this approach with engagement with landowners initiated in 2009. The environmental enhancements delivered at all her farm have been made possible by the acquisition of the land by private treaty agreement in 2015 are the key sites that were identified early in the development of the project proposals, including the northern Park and Ride side, the southern Park and Ride sides and the land the east of Eastlands industrial estates are all secured by means of private treaty option agreements.

03:00

Following the signing of heads of terms precedent option agreements have now been agreed between sides will see case solicitors as solicitors instructed to represent the land interest group or leg the group of agents solicitors and NFU established to represent the landowners. This has resulted in 35 sets of individual option agreements being issued to landowners solicitors. These option agreements will now proceed to review and signing with engagement on technical matters such as drainage, and irrigation infrastructure and accommodation works continuing in parallel. There has already been considerable work done to understand landowner specific issues such as access requirements, boundary treatments and concerns related to severance, which has resulted in changes to design or landowner specific details being incorporated into agreed terms. The option agreements will allow for additional heads of claim following the option being called where losses can't be evidence or detailed before the auction is exchanged.

03:57

The applicant has also worked constructively with the refuse representative to agree the interface arrangements documents that will be appended to the option agreements. The document includes measures to be undertaken before land is taken during construction and details the reinstatement requirements.

04:13

Sign sizable co has ensured that landowners have had reasonable costs or bears and solicitors to pursue. The private treaty agreements have been underwritten, and landowners reasonable losses in respect of time spent engaging in the project has also been reimbursed. Ensuring landowners have had access to the appropriate advice to advise respect of the terms provided by sizewell c co has been essential to ensure that they are properly and independently advise on the commercial and technical terms of the agreements. size or seeker has ensured that the agreements also provide the flexibility flexibility to prevent any landowners from being financially disadvantaged, as a consequence of entering into private treaty agreements.

04:54

Sotto ck has also engaged a specialist land drainage consultant to liaise with landowners to

05:00

Confirm existing drainage and irrigation infrastructure and I denta phi mitigation proposals.

05:06

Also seeker has also offered to undertake detailed farm impact or state impact assessments to consider in detail the anticipated impacts of the project proposals on rural businesses.

05:18

Although substantial progress has been made, the applicant will continue to pursue agreements with those limited number of landowners with whom agreements remain outstanding. All landowners from whom the project requires land have received heads of terms from Sasa seeker. And the intention is to

continue to advance negotiations to ensure that terms are agreed, wherever possible prior to the closer examination.

05:42

Thank you. Thank you. Can I can I just confirm what you were saying in relation to the park and ride site, certainly the northern Park and Ride side to that you've that heads of terms have been agreed for all the land required for that there needs to be a modification or an alteration to the existing agreement for the Northern parking rise. But the majority of that site is secured by by means of a historic option agreement. Right. Thank you. Thank you for that. Thank you.

06:18

Right, Mr. Philpott? Was there anything you wanted to add?

06:23

No, thank you. Madam, I just thought it would be helpful to have that overview. And obviously, we'll keep you updated as we go along. Now, thank you.

06:35

And the updates are most helpful.

06:39

Right, if we move on now to agenda item to see, and that is whether the secretary of state can be satisfied that the land to be acquired is no more than is reasonably necessary. For the purposes of the development. The applicant has provided answers in relation to a question on this topic that ca dot 1.4 which asked it to justify the extent flexibility that the submitted scheme would allow in terms of limits or deviation and parameters. And that's also being considered in decio. Questions, and, and elsewhere.

07:17

My first question was for a Suffolk counsel.

07:23

So that's whether there's anything that East Suffolk council wish to add in relation to the flexibility afforded by the limits of deviation and parameters and that's in relation to the compulsory acquisition tests being considered by this agenda item.

07:42

Deliberately on behalf of the Salford, Council, so for councillors, nothing further to add at this stage in relation to your question. All right. Thank you. Thank you very much. And the same question for Suffolk County Council.

07:59

Thank you, Madam Michael Bedford, Suffolk County Council. We had raised some questions in terms of the drafting of the decio about the terms of the limits of deviation within that's really a separate point

to the issue that you've asked. So no, we have nothing to add on on this point. All right. Thank Thank you.

08:22

Right, so

08:26

Oh, could I just return to Suffolk County Council?

08:37

I think you had perhaps raised a question mark over the limits of the land that would be permanently adopted as public highway for the site or link road. The two village bypass, just wondered if you could outline your key issues in terms of the extent of the land sought to be acquired for those aspects of the project.

09:00

Thank you, ma'am. I think I will bring in Mr. Mary, on that point in terms of the detail. So Mr. Mehra, who I think you've heard from before is the highways manager for the county council.

09:21

Good morning.

09:26

Miss Mary just a bit quiet.

09:30

helps if I put the microphone in front of my face. Sorry. not normally.

09:35

That caught me a little bit by surprise. Anyway. Yes, the update and where we are. Yes, that says we have we are still working through with the applicants particularly in terms of drainage. The precise amounts of land that are required for the drainage, particularly the lagoons and also the access roads to the lagoons. So at the moment, we don't have a, an agreed highway boundary and obviously that has

10:00

Knock on impacts about what would be permanent and what would be temporary. We are working through with the applicant to resolve that, as probably I'm afraid the closest I can give you at the moment.

10:13

But I'm happy to take any questions you have.

10:16

In terms of resolution, you say you're working with the applicant? Is there going to be an update on that provided to the examination? And if so, when? What How are you getting on with with those discussions? Okay. From our perspective on the county Council's perspective, what we would like to see, and we have mentioned this verbally, in meetings with the applicant is clear plan showing where the highway boundaries are going to be. And also some information about where we may need easements away leaves for drainage to drain into existing water courses. So that is what we'd like to see. I'd imagine that would be an appendix to the the set of plans. And

10:58

one of the tasks we have set ourselves is to actually formally respond that deadline seven to the latest set of plans, which we didn't have time to look at for deadlines, six, and this is the update of the plans submitted in deadline five.

11:14

So that's task we've set ourselves to respond in terms of responses to the plans that deadlines seven, but we haven't got and maybe it's question for the applicant, a set of plans where the highway boundary will be.

11:28

Thank you.

11:31

Right, I'll just check if the applicant wants to respond on that.

11:38

Madam Yes, I'll just pass over to Mr. Rhodes to provide you with the applicants position on that.

11:52

Some roads for the applicant, just a couple of things. So which I hope may be helpful in this context. One is, as Mr. Berry says those discussions are continuing. And we

12:03

very much welcome those discussions, we're working hard to try and settle as much detail as we can at this stage.

12:10

It is likely I think that we wouldn't be able to settle the precise boundaries during the course of the examination because we have requirements where detailed submissions will be made

12:22

to settle the absolute detail of the highway. But one of the issues that we are discussing is the extent to which landscaping associated with the highway schemes would fall effectively within the future highway boundary or no matter to be maintained along with the highway by the county council. And it's possible and it's certainly something we're discussing at the moment that there may be some landscaping, which

the county council is seen less as relating to the highway, but nevertheless, which we the county and the District Council may regard as being appropriate.

12:58

And it may be that we need to find an alternative mechanism for committing to the long term maintenance of that landscaping. So that's a live discussion that we're having with the county at the moment.

13:11

But otherwise, we think that the

13:14

as you know, the limits of deviation are vertical limits deviation, but the requirement

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22 does enable detailed design require detailed design to be settled.

13:27

And we do still need some very limited flexibility at this stage, which means that we want to engage through that process through the requirements process post DTO to settle the absolute detail, although we're confident that we're not seeking powers over more land we need

13:44

that Thank you, Mr. Rhodes.

13:50

Now I do see that

13:53

Sally watts has a hand up on I was going to ask a question about paganism. So perhaps by ask that first and then I'll I'll bring you in.

14:05

So on Pakenham. This was for the applicant, and that was for the lambda pagan.

14:12

I have heard from you earlier on this thing that a lesser area is going to be sought. But we haven't got the details of that yet. So my original point was just to ask about pay kind of an RC applicant to explain why they considered it to be reasonably necessary to acquire or the plots that you were seeking in this location and why lesser area would not suffice. But it seems that you are looking at that at the moment. But is there anything?

14:45

Well, we have touched on this already, but is there anything you want to add on that?

14:51

I think Madden, we've probably sufficiently explained the principle and the broad outlines of what we have in mind.

15:00

In short, as we've said, having now gone into more detail and discusses with the landowner, we're now in a position where we feel that it is possible to draw in the the boundaries of the land that will need to be acquired in a way that will hopefully reduce the impact on the landowner. But without compromising the ability to deliver the quantum of habitat that needs to come from this side. So that's obviously a positive piece of news. And the next step is to translate that into a set of plans and clear proposals as to how that should be

15:49

integrated into the application that ultimately you must then report on to the Secretary of State so that, that that's a matter of mechanism, which we will come on to, and deal with in writing.

16:03

But I'm not sure there's anything more that we can usefully add at this stage. Unless there's anything we need to send response to what Miss watts will say. Thank you. So

16:16

can I hear from Sally watts, please?

16:21

Fire Yes. Thank you for inviting me again. Sorry, I can't really get my picture. Right. But my

16:29

my question is, with regards to reasonably necessary. The above the sites that have been identified currently by EDF deliver 8.13 hectares of burn, natural England require 4.5.

16:48

And, as I've reiterated on behalf of my clients, they really would rather not provide any of this mitigation land. So if we were not included, I believe that EDF would still be delivering the 6.9 Hectors which exceeds the 4.5 required by natural England. So though our land would provide the access to our neighbor's land, that's fair enough, but we'd rather not provide the wet woodland and the fen land if at all possible. The wet woodland areas have been identified at bennell and EDF have also identified that they have sufficient land at their old Hearst land which would provide wet woodland.

17:44

I'm not sure that EDF are really ticking the box as reasonably necessary in this instance.

17:52

Thank you,

17:54

Mr. Bedford.

18:02

Thinking about I'm not sure whether this is the right point to raise it or that it relates to item C, but I'm not sure.

18:09

To what extent you want to

18:12

hear any detail at this stage. It's just I've noticed obviously, you've been looking at specific locations, and you've rehearsed of the position in relation to Pakenham. You heard a short while ago from Mr. Cunliffe with an overview on the status of negotiations with owners, and he referred you to the update in rep six oh 11.

18:41

But it's simply this point the rep six oh 11 deals with the position as far as I can see for freeholders, it doesn't cover the position in relation to those with lesser interests, such as the county council at the leicester household waste recycling centre, where there is still an outstanding issue between us and the applicants. And part of the issue could turn on the question of does the proposal include all of the land which is necessary, as well as no more lambs than is reasonably necessary? Now I know that the detail of that is probably more a matter for part two of the ch. But I just wanted to, as it were, highlight the point as it were at this stage in case you did feel that this was the the time that you wanted to hear about those issues in any kind of overall terms.

19:40

Thank you. Mr. Bedford.

19:42

Is this I think I'll hear I will hear the detail on that when we move on to part two, but I'll see if Yeah, pretty well.

19:52

In terms of reasonably necessary, I don't know if you want to make a brief summary at this

20:00

Identify sort of an extent of land that you consider should not be included. Yeah. Well, the short position is in relation to lovers lane and the proposed changes to the highway along lovers lane impact on the access to the household waste recycling facility. That's an existing facility serving leisten. And the rural hinterland. It's obviously a well used facility. It's managed by the county council as the waste disposal or authority. And

20:40

the county council doesn't have a freehold interest in that land. It is a lessee. In fact, I think it's probably a lessee who's holding over under a lease. And there are negotiations with the applicant. And I think EDF obviously not strictly the applicant, but a related entity is I think, probably the Freeholder and negotiations have been ongoing in relation to how those metals can be managed. What we're concerned about is that the proposals

21:19

in terms of changing the access arrangements reduce part of the area of the operational household waste recycling site. And that has potential implications for the continued functionality of that site. And we're in a situation that there is some positive dialogue undergoing with the applicant, and with EDF, on the possibilities of reconfiguring the site in its reduced form, so as to maintain its functionality. And we would hope very much that those

21:56

negotiations produce a fruitful outcome. And if so, then matters would be resolved. But clearly, if that isn't possible, and it turns out that the functionality is jeopardised by the land take from that access, then our position is quite simple. The laced in facility is an important facility that needs to be maintained, either on this site or elsewhere. And in in the elsewhere scenario, there would actually be a need for the applicant to engage with providing a replacement site, if it's not possible for the facility to be realistically retained on its existing site. And so in that context, we would say that the applicant would not be including within the proposals, all the land that is actually necessary for the purposes of delivering the scheme, if the consequence of the scheme is to jeopardise an existing facility, and not make alternative arrangements for injury provision. So that's the kind of the headline point without a say, hopefully, getting too sucked down into the detail.

23:05

Thank you.

23:08

If I can ask the applicant to respond to those points.

23:16

Yes, but I'm going to suggest if I may, that the county Council's point is best dealt with under Part Two, it doesn't strictly relate to the agenda item, which is is the land to be acquired no more than is reasonably necessary. It's more to do with an impact on the county Council's waste operations. And given that there are negotiations ongoing. Given that there is a in order to deal with this one, we need to go into a bit of the detail, I was going to suggest that that's a more natural place to pick it up and address it. But I if you're content with that, I was going to come back to the issue that was raised by Miss Ward's in relation to paganism, because that is more directly relevant to this particular agenda item. And I've got Mr. Lewis who can explain the position in terms of quantum and why it is that the land at Pakenham is needed in order to deliver a sufficient content of habitat and why it's not sufficient simply to rely on the other sites. So before I pass on to him, I just want to check that you're content with

that way of dealing with the county Council's concern. Yes, certainly Miss Phillpotts if you proceed in that way. Thank you. Thank you. I'll pass on to Mr. Lewis.

24:53

Hello again, Mom. I'm just turned to miss Watts's representation

25:00

It's true to say the natural England requires us to deliver approximately four and a half hectares of fen meadow. In recent submissions, we've actually revised that to 4.14 hectares. The reason for that is that natural England apply and nine times a multiplier on the land taken fen Meadow from the triple si we've actually recalculated the land take on the Triple S sign in January this year and confirm that was naught point four, six actors and when you apply the multiplier, you reach a revised figure of 4.14 hectares.

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But of course, in order to be certain of the habitat delivery across of that area, you have to have some site by site based contingency in order to be able to be assured of hitting that exact quantum. So within a site, it's not possible to set a single ground level for fen meadow.

26:02

uncertainty in groundwater level groundwater fluctuation, and with limited ability to control those levels means that our approach to fair Meadow creation is going to be based on a sculpting approach, which is based on creating micro topographical features, and that's excavating the ground levels. I think I mentioned it earlier between 20 and 40 centimetres, so that there are various and varying hydrological conditions across these target habitat areas. And by doing that, we are confident that we can create range of hydrological conditions to provide fen Meadow of the target quantum. So there is an element of contingency at each site within within the proposals as defined within the Fed Metro plan to ensure that we can deliver the 4.5 hectares as required, sorry, the 4.14 hectares, and that the revised target that we set in that for fen Meadows strategy. And so all of the

27:11

polygons across all of the three sites are required in aggregation, which do some to 8.31 Hectors, but we believe we strongly believe that we require all of these areas to be short of hitting the target of 4.14. Hectors. Does that help? Or can I provide any further clarification? That does, but if you could provide me with a full explanation on that, and, you know, any any calculations as it were to

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justify the area of acquisition, that that would be really helpful. I will do that.

27:51

Right. Thank you.

27:56

Mr. Full part. Was there anything else you wanted to add?

28:02

No, thank you, madam. Mr. Lewis has summarised the position. Thank you. Thank you. So can I just check if there are any points that affected persons wish to make on this agenda item?

28:24

Right. I don't see any hands up. I just check

28:30

that there's no one on the phone.

28:36

No.

28:39

Right. In that case, I'll move on to agenda item two D. So this is where the having regard to Section 1223 of the 2008 Act, there is a compelling case in the public interest for the land to be acquired compulsorily, and the public benefit would outweigh the private loss. And so the compulsory acquisition guidance paragraph 13 explains that the test for section one two to three is whether there is compelling evidence that the public benefits that will be derived from the compulsory acquisition would outweigh the private loss that would be suffered by those whose land is to be acquired. And the examining authorities asked a number of first questions on this topic. And the applicants position is set out in the statement of reasons section 7.4.

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So if I could ask the applicant,

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just to confirm that the main public benefit, as the applicant sees it, is that that is the meeting of an urgent need for new low carbon energy infrastructure. And although you've listed and reliance is placed on other factors, do I assume that in the absence of such an urgent need, there would not be a compelling case for the exercise of compulsory requisition power

30:01

Well, Madam, it's it's right to record that the public benefits that are identified are necessarily to be considered as a whole.

30:17

It's right to say that the first of those, and the one which is the most significant is the urgent need for the project. The others, however, are not matters that are, should be regarded as insubstantial or make weight points. And so for example, if I look at the second of those identified at 743, the significant economic benefits to the local area and nationwide,

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and I don't repeat all of the the numbers that are identified there in terms of the those benefits, but those are substantial. And as the answer identifies, they are significant, not just in a local context, but it but in a national context as well.

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And so,

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in terms of the counterfactual position, what if there wasn't an urgent need? It's, if I may say, so difficult to

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consider what the balance would look like in a counterfactual scenario, because the existence of the urgent need is clearly established. If one were in a different scenario, one would need to look at all the factors that existed in that alternative world. So for example, if the need was present, but wasn't urgent, it may be that nevertheless a public interest would decisively require compulsory acquisition.

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And therefore, it's it's hard with respect to provide an answer, which deals with a counterfactual scenario, which is not, which is necessarily only partial, because one doesn't understand the full context in which that analysis would fall to take place. What I can say

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is that, given that there is such an urgent need, given all the other factors that are set out there, there is no doubt my submission, that the public public interest benefits are very substantial, they outweigh decisively the impacts on private, the private lost to those whose interests would be affected. It's also fair to note in the light of the update, which Mr. Cunliffe has provided, that since the analysis in the statement of reasons was set out, the balance has shifted even further in favour of authorising compulsory acquisition, because most of the land to be acquired is now secured through negotiation. And thus, the extent to which compulsion is likely to be used to acquire the interests of affected persons is very limited. And furthermore, the heads of terms that have been agreed, which deal with the impacts on the individual landowners, as well as the acquisition of the necessary interests in property serve to reduce the extent to which the powers Michael Horner, would adversely affect his now interest. So that necessarily shifts the balance, yet further in favour of compulsory acquisition. So although I have

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avoided in that answer, giving you a direct and categorical position as to how matters would stand in an alternative world,

34:07

and I'm happy to help further on that, if you think that is possible. I hope that provides an answer to your question and an overview of opposition.

34:18

Thank you, Mr. Miller thought that is a helpful overview. And I do have, obviously,

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in that paragraph 7.4, point three, all the public benefits that you do rely on. So thank you for that. So if we move on to private loss, so on the question of the assessment of private loss, we do have a response to first question ca dot one dot 40. And there is the statement of reasons and in particular paragraphs 7.4 point five to 7.4 point three. So just by way of clarification and

35:00

Do I take it that the EAS assessment where we get it does state that

35:09

those adverse impacts have been assessed most notably in the s and the E s agenda. So do I take it that the EAS assessment, the agenda, in fact, that's where the assessment of loss is to be found? And that's what that is how it's being carried out? Or is there any other specific or later assessments of private loss that's being made?

35:34

Well, as I, as I understand it, the answers that have been provided in terms of

35:43

the assessment of impact on individuals, and whether that's been properly understood and assessed, come in the answers that have been given to first round questions and just checking my notes, but I think there are three questions where this is touched upon.

36:06

The first is ca one point 11, where the answer directs the reader to see a 140 then see a 138. So bear with me while I turn that off.

36:38

See, see 138 concerns the importance attributed to existing uses, and that refers again, to see a 140. It also refers in a number to a number of other places is

36:59

deals with the site selection report. And the site selection report is important in this context, because at the second filter stage, in your recall, the first filter is about potential

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options or sites that meet the operational prerequisites the second filter stage, considers alternatives that potentially achieve the objectives against relevant environmental planning, engineering, commercial criteria, that took into account the existing use of the land, and its importance as reflected in policy and guidance. So for example, if it involves emulation of residential properties or negative effects the viability of an affected

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business. And so that is something which sits as it were outside the environmental assessment,

38:02

although it's part of the consideration of alternatives, but it does manifest an understanding of and a consideration of the effects on individuals. Then in in C, a 140, there is an explanation of where in the EIA were in the s and the s addendum, the

38:31

these effects are reported, and also in the reference to the

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statement of reasons. But then similarly, the consultation report and consultation report addendum that also reflects the extent of engagement undertaken with landowners feedback received and how that's been taken into account. So

39:02

when one looks at the totality of those documents, that reflects the extent to which the private loss that would be occasioned has been considered, it's been weighed in looking at alternatives. It's been weighed in looking at consultation responses, and in some instances that has led to changes in the scheme adaptations in order to reflect a loss. But then, so far as that loss remains, that is properly reflected in the environmental impact assessment, and the report of that and the environmental statement. So one needs to look at those together in order to understand the full extent to which private loss has been considered and taken into account. And I'll just check to see if there's anything else that I need to ever do. I do believe there is at this

40:00

Unless I can help you further. No, it would just be that if you could have provided a note, notwithstanding the responses to those questions, if I could have a note just listing the locations in which I can find

40:19

these assessment of private loss that you've referred to, and in relation to the E s, so for those affected persons where agreement has not been reached to acquire the land voluntarily, would it be possible to provide the S document and paragraph reference where private loss relevant to their situations been assessed?

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Thank you. Yes, I've got a native of that request, madam. And we'll, we'll put that into effect. All right, thank you.

40:53

Right, Michael Horton

40:57

is now joining.

41:04

Right, I can see that Mr. Grant has his hand up. Mr. Grant, would you would you like to contribute?

41:12

Thank you. I thank you, I did a grant for the whole farm.

41:19

To full pot.

41:22

extensive review, I'm not quite sure worked out what the summation of it was. But as an interested party, I have to say that the lack of engagement is deplorable. It is lip service, nothingness.

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I've had

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since the DSLR programme was launched in 2019. I'd actually had three physical visits one from Richard bought in February 19, March 19. We're a little more road within stocked up

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one in December 2020, and one on the 21st of April this year. In terms of mitigation suggestions.

42:04

I've had a technical drawing completely unexplained and not presented in any professional manner, about a proposed tunnel to give me access to the other half of my farm, which is being severed by the SLR. That tunnel apparently will accommodate a Landrover to my tractors and combines and sprayers and things like that are expected to go around seven to eight kilometres more on the main roads.

42:33

Quite dangerously, frankly, we'll also need to mean that I have to register vehicle throat usage. In terms of I mentioned earlier, losing 20% of my arable acreage, nobody has discussed with me the financial impact on my farming operations. And, most sadly, of all, we're particularly proud of 50 odd years 50 odd years, improving this farm in 2018, we were voted by the Suffolk agricultural Association, three independent judges from around the country as the best small farm in Suffolk, the Special Award for

43:12

conservation.

43:14

Not one word has been said to me about methods of mitigation

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of the effects of this road on my land, and its status as the best small farm in Suffolk.

43:28

That's my point. Thank you.

43:31

Thank you, Mr. Grant. You did anticipate

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that that would be my next question to the applicant.

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So thank you. If I can say to the applicant, do you have anything in addition to what we've just heard from Mr. Grant to add your written response to the criticism

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in relation to the level of engagement with landowners?

44:03

Yes, before I do, can I just say in relation to Mr. Grant, as I think he said himself earlier, heads of terms have been in signed by Mr. Grant.

44:18

And as a result, as I believe he said earlier, he's not objecting to the compulsory acquisition of his land.

44:28

discussions are ongoing with Mr. Grant in relation to accommodation works and those can be picked up in part two, but I'm going to ask, having made those preliminary comments

44:45

for Mr. Jonathan Smith, to just comment on this question of engagement with landowners and in relation to Mr. Grant in particular, Mr. Smith is from

45:00

delcor McLaren deals with land delivery. I'll get him to introduce himself.

45:08

As he speaks to us, I'll pass over now if I may, Mr. Smith.

45:27

Good afternoon, ma'am. Can you hear me? Yes, I can. Thank You Andrew Smith. Yes, thank you. My name is Jonathan Smith on behalf of the applicants.

45:37

As probably already mentioned before, the applicant has provided an update to Appendix B of the statement of reasons, including the status of negotiations with owners of the order land, which has continued to be updated and most recently, a deadline six.

45:52

As confirmed in these documents has been extensive engagement with landowners and their agents over a number of years and heads of terms were signed for private private treaty agreement for the land required for the project on the 30th of April 2020.

46:06

documents are now being drafted by solicitors and completion of the private treaty agreement anticipated by close examination. By the close examination. The applicant will continue to work in parallel to address any of the interested parties outstanding concerns, wherever possible.

46:26

For my concerns raised by Mr. Grads, the applicant is currently looking into the feasibility of incorporating an underpass under the SLR to give access for vehicles to the land that will lie to the north

46:40

of the proposed road without the need to go onto a public road onto the public road network. A 2.8 metre high underpass in this location would not result in an increase to the order limits and would not require the size of link road to increase in height.

46:56

The underpass would not likely result in any new or materially different likely significant effects on the environment. So the County Council have also not raised any issues with this potential underpass.

47:10

There is now engagement with Mr. Grant to discuss the merits of this underpass with the possibility that a private land agreement is secured Mr. Grant secure the provision of the underpass, that the plans are updated to show the underpass through the discharge of requirement 22. The draft decio

47:27

our EP five slash oh two nine

47:35

we understand that Mr. Grant is discussing the underpass option with his farm contractor and advisors to understand what benefits This will provide based on the current and potential future future farming systems.

47:46

Mr. Grass mentioned obviously it could only be accessed by a Landrover

47:51

I, my understanding is that it will be able to be accessed 2.8 metres by larger agricultural vehicles but not have some of the largest vehicles that potentially are used by Mr. Grants contract farmer.

48:08

I hope that helps explain. Thank you.

48:12

Thank you, Madam if I if I can, if it helps you in terms of this question of extensive contact, we can provide

48:24

further,

48:25

further written response including

48:29

full account of the extent of contact with and discussion with Mr. Grant. I've, I've

48:41

seen this the extent to which there has been contact and discussion over time.

48:49

And that is manifested

48:52

both in the fact that heads of terms are signed, and the extent when one takes off and looks across the whole of the scheme, to which heads of terms have been signed with other landowners and the extent to which there remain

49:09

landowners who have not.

49:23

Can I just check? Mr. Phillpotts frozen on my screen? Has he frozen for anyone else?

49:30

Yes, he's frozen on my screen too. Right.

49:41

Mom?

49:44

Yes. Who's that? It's my it's Michael Horton, chartered surveyor on the telephone in relation to

49:51

subject to Mr. Grant, our client

49:55

wondered if it's possible to just make a comment.

49:59

Please do that.

50:00

Mr. Smith, because I've been involved with that dialogue, I think the concern we have is the delay in engagement, which post a meeting on the 21st of April, did not produce any farm proposal in relation to the high degree of severance on Mr. Grant holding, which I'll explain, and

50:24

CIA to,

50:26

for virtually three months, when the engagement occurred, we were in dialogue on a narrative. But of course, we needed to see something physical. To understand the extent of the rise of the underpass given, we had to make a judgement on whether it was going to be of an economic benefit.

50:48

Or we received was a plan, an engineering plan, which to be honest, was at a relatively small scale make it quite difficult to interpret.

50:58

We have asked for an engineer or qualified person to come and have a look on the ground to show us exactly where the underpass would be and the extent of the additional land take

51:11

that has not yet been organised, other than making a provisional date

51:17

at the beginning of September now, it's not that it hasn't been offered, but it's taken so long to reach this point.

51:26

This is also relevant to sort of landscaping issues, both Mr. Grant and other clients. So we're not objecting to the scheme per se. But there is an incredibly slow element of engagement in relation to some fundamentals, which do affect clients property, interests.

51:48

That's all I wanted to say. Thank you.

51:52

Now I see that

51:55

Sally walked has got her hand up as well. Can I just check that that's on this topic as well?

52:05

And thank you, ma'am. Yes, fundamentally, as you appreciate, we were brought into this whole consultation process at a very late date, ie, October last year. Our first meeting was in January. And then we had another face to face meeting last week. Yes, okay. The surveys that we originally objected to, and then allowed has reduced the area that they want to take. But

52:38

I still feel a little bit like we've, we haven't even got masses of detail. And it's not really been clarified as to exactly how the exercise of the work will be carried out the the execution at one stage in our meeting last year, though, I mean, last week, they were suggesting that they were going to be digging up the drain out the meadow in winter months, which clearly is impractical. So consultation has been poor. And that's what I want to reiterate. And I'm still struggling to understand the public benefits outweighing the public interest on land and pavement. Thank you. Thank you.

53:23

Mr. Bedford.

53:32

Thank you misguide Mike Bedford, Suffolk County Council. This is just a brief point on agenda item two, D. And it's simply consequential on what we've already said, because as probably Mr. Phil bot referral, I may have preempted some of the matters on section one, two to three when I first commented at the beginning of the morning, so I don't repeat those matters. The only additional point to raise is, of course, going back to the size of our link road temporary or permanent, if our suggestion that it should be a temporary facility only is acceded to that doesn't have an impact on the benefits side of the equation, because it's still entirely possible to construct the project as proposed. And so the balance is one way you have all of the benefits are still there in as it were paragraph 7.4 point three of the statement of reasons.

54:39

But obviously, in terms of the impacts, the impacts are very much reduced, which is why we're able to suggest to you that the balance should be drawn differently, and why therefore there isn't a compelling

case for permanent acquisition, when temporary acquisition will suffice. That's simply the overarching point.

54:58

Thank you.

55:00

And then

55:01

final person with their hand up is Mr. Grant again.

55:09

Thank you, ma'am. Paragraph folio for Michael Horton tells us

55:14

represent my case most eloquently, which I thank him. I hope you appreciate that as well. I would really question is reliance by Mr. Phil part on the heads of terms that have been signed. And whilst they indeed have been signed, they obviously answer a legally binding document or neither party as yet. The documents were supposed to be issued within four working days, the draft documents were effective further 20 days late, and thus won't be completed within the period of the hearing, because of the delays by the applicant solicitors on issuance.

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And as Michael Hyde court and pointed out, you know,

55:55

Jonathan Smith came to see us on the 21st of April, we had nothing until July, with this small scale drawing dated June, which is a bit of an insult for someone to sit on something for a month before they pass it on to the interested party. It's that sort of indifference that is upsetting us. And as I mentioned earlier, as a best small farm in Suffolk, we deserve better than that. And no, I'm not. I'm not saying that I object to the to the project. But I am, I'm seriously concerned as to the motivation and logic of the SLR and it's permanent. Thank you very much. Thank you.

56:36

Mr. Foul pot.

56:40

Thank you, Madam, I'm having difficulty with my camera doesn't seem to be presented as an option. Can you hear me at least I can at least hear you. I'm going to suggest if I may, that I continue.

56:55

I think I may now be able to turn my camera on. Yes, I'm back in back in the room as it were. I'm going to try and deal with this relatively briefly, I, I did in fact lose connection.

57:09

Mid flow when I was summarising my position

57:14

earlier, and I apologise for that. But the point I was seeking to make, which I'll just complete, if I can,

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was that the extent to which heads of terms have been agreed,

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gives the light of the suggestion that there has been inadequate engagement with

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private landowners or attempts to acquire by agreement.

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Similarly, where those heads of terms deal with the consequences of the project in terms of private loss to individuals, the fact that they are agreed, again, is inconsistent with an overall submission.

58:07

that there has been an adequate attempt to limit private loss and where that's subject of agreement, and where Consequently, the landowner no longer pursues an objection to the order, that is a very substantial consideration and important consideration when applying the tests in section one two to three.

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The final point I wanted to make in relation to this because we can come on to some of the detailed matters that landowners have in relation to particular plots in part two,

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rather than go into all of the details of those points now, is that

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discussion with individual landowners in relation to potential accommodation works that can be incorporated when the detailed design comes forward. And in relation to Mr. Grants, land references made to one of those potential works earlier the underpass those are

59:18

discussions, which relates to work that can be incorporated in detailed design. In due course, we are seeking to agree now as far as we can, those accommodation works and what they will comprise. But those do not go ultimately, to the question of whether there is a

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compelling case in the public interest. And it's safe to the extent that if you wanted to

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consider the potential for further reducing private loss through those accommodation words,

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And then they can they can come under that heading. But even if those works are not ultimately achievable, it is our case that the provision that is made to reduce private loss is sufficient that the overwhelming balance in favour of acquisition having regard to the substantial public interest benefits that would be delivered

1:00:28

justifies compulsory acquisition in any event.

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And therefore, the position can only be improved, if it is possible to achieve further accommodation, and with individual landowners. And through that, and further process which we are seeking to do, because as a responsible promoter, we want to ensure that we have properly explored opportunities to reduce private loss with a successor or otherwise of those endeavours does not change the overall balance, which is overwhelmingly in favour of acquisition. So I say that by way of overview, we can come on to looking at individual pieces of land, I was just more appropriately in relation to part two of the agenda. The only other point I'd want to make in response to what's said on behalf of the County Council is that

1:01:28

again, the question has to be grappled with

1:01:36

what are the consequences for the purposes of the Secretary of State's decision here, if the counter counsel was vicious position is excepted, there is no scheme promoted here for a temporary, sizewell think road. So whether in an alternative world, it may be possible to justify temporary acquisition for such a scheme. That is not the scheme for the Secretary of State.

1:02:06

And it's not a scheme that we say can be accommodated within the scope of this application, as it stands. And as it will be at the end of the examination period. So the consequences of the counter counsels position, which I'm sure will be articulated in writing, at some point, on their behalf,

1:02:28

are still not clearly faced and grappled with by the counter counsel, its position taken to its logical conclusion is, would appear to be either that they would like to see the order refused, or alternatively, that their position and the point that they are raising is one that ultimately is unlikely to be important and significant if that's not the conclusion that is reached in relation to it. So I know I've made those points in

the past, but it is nevertheless important again, when considering their position in relation to compulsory acquisition. Same points arise.

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Thank you, Mr. Phil port.

1:03:16

Mr. Grant, you have your hand up again.

1:03:23

My apologies. I just didn't take it down. All right. Thank you.

1:03:27

Thank you.

1:03:32

Right.

1:03:42

Right, on the balance between public benefit and private loss, I do have the response from the applicant. First question. Ca 140, and also ca 138. So I understand the applicants position.

1:04:01

The applicant states that significant weights been attached to private losses, but very significant way to spin attached to public benefits. And there are factors that they have, also take it into consideration when assessing private losses that might be applied by way of introduction to that. It may be I could just ask the applicant just to summarise their position in relation to that balancing exercise.

1:04:35

Yes, ma'am. I don't want to simply repeat what we've said in writing, but it's right to record and we have identified in our written responses, that significant weight has attached in our own consideration of this matter to private loss. We have sought to reduce it where possible and not only through the decisions that

1:05:00

Be made about the selection of sites, route choices and matters of that sorting in terms of associated development. But also, importantly, in terms of the way that the order itself and the compulsory acquisition powers in the order have been framed. And we've touched upon this in our answers to written questions about some of the relevant decio provisions and the inherent proportionality of the approach they've adopted and I went, rehearse all of those now, but the essential fee, is it where it's possible to frame the compulsory acquisition powers in a way that allows us to take lesser interests than would otherwise be the case those opportunities have been taken. And so the proportionality of the approach and the attempt to reduce the impacts on private landowners where that's reasonably possible and where it's consistent with achieving the public interest objectives, those have been taken

at all levels, it permeates every aspect of the schemes, preparation and encapsulation through the provisions of the order. So we have sought, we've taken impacts on private loss on private individuals, seriously, we've sought to reduce it where we can and will continue to do so if the order is granted. And through the

1:06:37

detailed design, and ultimately, therefore, the decisions about how much land needs to be acquired permanently, rather than temporarily. But set against that, as I've summarised earlier is the very substantial public interest benefit that this scheme would deliver. And its ability to meet the identified urgent need for power of this sort,

1:07:08

which has been identified by government and policy and consistently supported thereafter. We have dealt with that extensively in writing, there's going to be another hearing, which deals with policy matters and need matters next week. So I won't go over those points in detail. But we do say that, that ultimately, the balance here is decisively in favour of the compulsory acquisition that is proposed, and that it is a proportionate request for such powers both at the macro and micro level.

1:07:49

I just got an indication that Mr. Rhodes would like to add something to that. So if I can just pass over to him to complete our answer.

1:08:11

Shawn Rhodes on behalf of the applicant. Just from a planning perspective, I wanted to add something in terms of the detail. Mr. Phillpotts covered

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the high level approach, which I very much support, but

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just to confirm that a lot of our design effort has been aimed at ensuring that no more land is being taken than is absolutely necessary. You're aware from the answers that were given already that the permanent acquisition would relate only to land on which the development is cited. But I just wanted to draw attention to a couple of other planning considerations. And, and one of those relates to the Associated design principles. And you'll be aware through the requirements that

1:08:54

there's an obligation on us to be consistent with the associated design principles. And the first of those principles is that either when approving detailed plans or the compliance with the associated design principles that's required, for instance, as requirements 20 and 22. The first principle that we state is that the site load has been optimised to reduce the overall land take for an instance temporary land requirements and just discussing that amongst ourselves. That's to reflect the temporary nature of the associated development, of course, the

1:09:35

size of a link road to bypass

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are not proposed to be temporary. And it seemed to us sensible discussing that today that we might remove the word temporary, but certainly, it's our intention through each iteration of the design right through to the final design, that no more land is being taken on is necessary and we're very happy for that to be applied as a principle by the district code.

1:10:00

So in the county council and signing off the final, the final designs, it's also fair to say that whilst there's been discussion about flexibility within the application and the fact that we have some flexibility, the level of flexibility is really very limited. And the just to reference, the limited deviation or of course, vertical limits or deviation, they're not lateral or horizontal. They don't affect land take. Similarly, we have parameter plans for some of the associated development sites. But the parameters that we set ourselves don't impact at all on on land take

1:10:38

flexibility, limited flexibility within the land tech itself.

1:10:44

In relation to the works plans, as Mr. Murray explained, we've been helped by detailed design workshops continuing with the County Council, we also have engagement as you've heard with landowners, and that's been helpful in honing the design all of the time in order to ensure again that no more land is being taken. That is necessary. And by way of demonstration of that.

1:11:08

At successive stages, you'll be aware that we have amended the land take Sunday through stage four consultation, we're able to significantly reduce the land take for both the sides welding road and the to village bypass. And in the changes that we've submitted to the application in January, and again, more recently, you'll be aware of very fine attention to the detail of the order limits to ensure that they're reduced where they can be. So we think that there's comfort hopefully in the planning related process, to ensure that the compulsory acquisition requirement to take no more loan than is necessary, is being satisfied through a rigorous process that's gone from kind of a high level cascade as to what components are necessary, right through to detailed design and continuing post, hopefully, the grant of decio to the way in which the requirements, ensure that that's the case. And then once the development is constructed, only that which is necessary would be the subject of permanent acquisition.

1:12:16

Thank you, Mr. Rhodes. Thank you.

1:12:22

Right.

1:12:27

Now we're coming up to one o'clock, my colleague, Mr. Brock has a few specific questions to ask under this heading in relation to the acquisition of the fen Meadow Marsh Harrier sites. But I think we'll take we'll break for lunch first. So we'll adjourn now and resume at quarter two. And just again to remind those watching on live stream to refresh your browsers to enable you to join the restarted live stream. So adjourn now and resume on 45