

TEXT_CAH2_Session1_16022021

Tue, 2/16 11:44AM • 1:27:14

00:04

Everybody now can I just initially check with the case team? Can everybody see and hear me?

00:11

And also have the case team switch the caption service on and have the recordings and live streams started.

00:26

Ah, we seem to have a little bit of feedback. And can I just then recheck the live stream has started recordings have started then the caption service I can see is now on. So thank you very much, Mr. Williams. Thank you. Good morning, and welcome everybody to today's compulsory acquisition hearings, two for the East Anglia, one North and East Anglia to offshore wind farms. My name is Richard Smith, and I'm the lead member of a panel which is the examining authority for the examination of the East Anglia one North offshore wind farm application, and also the lead member of another panel, which is the examining authority for the examination of the East Anglia to offshore wind farm application. And I will now ask my colleague Mr. Rigby to introduce himself.

01:13

Good morning, everyone. My name is Guy Rigby. I'm also a member of the panels.

01:18

And I will be leading most of the questioning for this here at these hearings.

01:24

Thank you very much, Mr. Rigby. Now for those of you who have been involved in and watched any of our previous hearings, you'll note that we don't have the full panel present on camera today. And Mrs. Caroline Jones is in the background, and Mrs. Paris and Mr. Hockley are preparing for hearings later this week, and so will not be present on camera at all today, but they can join us if they need to. I'll now introduce our planning Inspectorate colleagues working with us on these examinations, some of whom you will have already spoken to today. Emery Williams is the case manager leading the planning Inspectorate case team and you will have met him in the arrangements conference this morning. And he is accompanied today by two case officers Caroline Hopewell and Kj yarns.

02:10

These are the second pair of compulsory acquisition hearings, and these examinations notice was provided on the 25th of January. And the main focus will be on hearing individuals whose lands or

rights are affected either by the applications as made, or by changes to the applications that the applicants have sought. Or both

02:34

are all six letters include the web addresses that take you to information about the applications and the documents produced for these examinations on the planning Inspectorate national infrastructure planning website. For each application, there's a separate landing page with further pages setting out examination procedure, the timetable rather than representations and all of the examination documents. If you haven't already done so please do look at the website because we use it to communicate with you. And we use it to provide access to documents throughout both of these examinations.

03:07

I'm now going to deal with a few preliminary matters.

03:12

Firstly, a reminder that as with all hearings, and these examinations, we are being both live streamed and recorded today to enable people to follow the proceedings today and to allow them to watch or listen to the recordings of them later.

03:26

Secondly, this pair of hearings is being held principally to enable the examining authorities to hear from individual affected persons. So that that is where our focus is going to be today on people whose land and or rights are affected either by the original proposals or the changes to the applications. And before we pass completely through these introductions, there's another remark that I will need to make about that fact. Everyone else is very welcome to watch online or listen to the recording and to sending comments as post hearing submissions to the next deadline which is deadlines six a week away on Wednesday the 24th of February 2021.

04:07

Thirdly, I will note that we will not unless it is absolutely necessary be sharing documents on screen today. We're very conscious that when we're dealing with land, that the land plans and indeed the book of reference are our documents that we need to see and we need to use. But what we'll be doing is asking everybody participating today to follow along on your own devices if at all possible. We have found through many experiments that this is by far the best method to enable large plans and documents to be shared because it doesn't consume the bandwidth that is consumed if we share the documents with you. So when we refer to a document will give you a reference and we would ask you to please turn that up from the examination library yourselves and displayed on screen.

05:00

Finally, to brakes. We know that online events cause fatigue, we're going to ensure that any session continues no longer than approximately 90 minutes. And that means we're going to take a short break at approximately half past 11 this morning, and then resume around about 10 to 12. And aim to take lunch between one o'clock and two o'clock. Should the hearings need to continue into the afternoon, I

would expect us to take another short break, if necessary to round about half past three until 10 to four, we will definitely finish by 5pm. Today.

05:34

Although this is quite a long agenda, there are quite a few items, we expect that several of these should be quite short.

05:42

So ladies and gentlemen, now you know who we are and why we're here. So I'm going to ask you all to introduce yourselves in turn, and I'm going to go to the applicants last. So if I can ask you then to introduce yourselves and also to remind you that when you speak reintroduce yourself again, at each time you start to speak during the proceedings so that we have a complete record. And so that people watching or listening afterwards will be able to follow events. Now this is horribly like school registered, but I'm now going to call people's names and ask you to introduce yourselves when I do so can I ask who will be representing Suffolk County Council? I do have Mr. Graham Gunby first on the list for them. Thank you, sir Graham. Gunby Suffolk County Council development manager. Now can I just check whether the council will be represented by anybody else Mr Gunby today? Or is it just I'm afraid you just got me today, sir. Oh, nothing to be afraid about nothing to be afraid of that. But just just so that we're not looking around for anybody else. Now if I can then move on to East Suffolk council where again, I have Naomi Gould.

06:56

Hi, yes. Good morning, Naomi Gould, Council, senior energy project officer. And the same question to you as Naomi. It's just yourself today. I said, Yes. Just myself. Thank you. Okay, thank you very much.

07:09

Now, if I can then move on down my list, the next entity that we have listed? Is national grid, electricity transmission or and get as we will refer to them? And I believe that Matthew Bell is the lead representative for that body.

07:29

No.

07:32

Wrong could I be?

07:35

I'm happy to see senior leadership. But no, my name is Michael Humphries. I'm Queen's counsel appointed by and get to represent them today. And there are two witnesses who you'll obviously call on in a moment, but I'll name them so that there's no confusion. There's Mr. Marwan Yuka, who's a chartered civil engineer who's going to talk about the sort of physical technical side of what I would need to do. And Mr. Matthew Bell, who's a chartered surveyor, who will talk about sort of the land and rights and and so on that we would need. Thank you very much. Now, I do know, Mr. Humphries that

the office was emailed yesterday flagging that you will wish to refer to your deadline one submissions, because there are plans there, I believe that include the location of

08:26

transmission towers that you wish to draw attention to? Yes, I mean, we may not need to.

08:34

But because

08:36

the discussion, because we're talking about particular plots may get down to what we need to do in relation to particular towers, rather than us referring to towers by numbers, which means something to end get, and no one else knows what they mean, we drew attention to

08:55

the particular the particular

08:58

plan and for others, just so that they could maybe have it ready.

09:05

Our written representation was rep one, dash 149. And if people look in that to the penultimate page, it's a plan. And you'll see on that to the two lines, and they they have a three digits which are represent the line and then a number which represents the tower. Sorry, so I'll say no more at this time. No, no, no, no, I'm very grateful for that. And and indeed, getting down to the practicalities of my request that parties follow along on their own devices. And the reference number that Mr. Humphreys, very usefully reminded us of rep one dash 149, if you go to the examination library will allow you to look up that document and have it available on screen in front of you when we come to and get business. So unless there's anything else, Mr. Humphries, I will move on. Nothing Tammy. Thank you, sir. Thank you.

10:00

You very much we have Network Rail infrastructure limited. And can I ask who will be the lead representative there?

10:11

Is that Monique Elsinore?

10:21

Mr. Smith and I believe network Rao have said that apologies and confirm they will not be attending the event. I'm grateful for that. Thank you very much in which case I will just flag them

10:34

as not present.

10:37

Okay. Now, I in the line of not present. And we did also invite nbn generation company that size will see limited and I believe that Carly Vince is not present.

10:58

So, we will move on if I then move on to individual

11:06

affected persons. And do we have Dr. Alexander jimson, representing Mrs. Ellsworth jimson.

11:18

Yeah, thank you, Mr. Smith. Thank you very much, Dr. jimson. And then I will just clarify that you are also the representative for the wardens trust. That is correct. Okay, we'll because this is very much around the rights and interests of individuals, and I'll obviously leave it to Mr. Rigby, but what I suspect he will wish to do is to deal with your mother's interests, maybe, but then completely separately, deal with the Trust's interests, which may require some element of repetition. We'll try and keep it to the minimum, but it's important that we hear the individually affected persons separately. Oh, Kay. Can I then just check. We don't, I believe have Tessa void check. So I will move on. And do we have Mr. Richard Reeves? I believe we do. Yeah. Hello. Thank you, Mr. Reeves. Excellent. Thank you very much. And if we can then move on. I'll check. Do we have Phantom, Michael Marnie?

12:28

And indeed, Ben fullbrook of counsel representing Mr. Varney. Yes. That's to say I am here today. But I'm in represented by Ben Fallbrook. And I'll only intervene if you have to. But Mr. Walter will be speaking with me today. Thank you very much. Thank you. Thank you. Excellent. Right, in which case moving on? Um,

12:52

do we have Richard Cooper representing Neil Kenyon.

13:03

And I'm not seeing a, an indicator on our attendance spreadsheet. We have a representative. We have Mr. Kenyan or a representative for him. And he was also I believe, due to represent Lisa Louise Kenyan, who we also have marked not present. So we've got two

13:24

non attendance is there, which I will just mark. Um,

13:30

and then I believe we should have Mr. Michael Lewis.

13:43

Speaking, speak, speak. Hello, this is Michael Lewis. Here. I'm present. Mr. Lewis. Thank you very much.

13:52

Okay.

13:54

Now, we will then move on finally, to representation to the applicants. And Mr. Lewis, if you could just turn off your microphone loss whilst we're doing this now so that we don't get feedback from your system. Thank you very much. So Mr. Ennis, and Can you take us through the applicants representation today?

14:15

Yes, good morning, sir. Thank you, colonists on behalf of the applicant and I'm a partner in the law firm of shepherd and Wedderburn. Adam instructed by Fiona Coyle, divisional solicitor of scottishpower renewables in terms of additional persons who will be appearing today, dealing first of all from those from my firm, Mr. Steven hubnut, my partner in property related matters will be speaking in a range of the topics raised today, and also Stephanie mill in relation to matters that may arise in respect of decio and other related matters. In terms of the other parties, dealing more with the land interests and the project matters. Harry Hi.

15:00

who's an Associate Director at Darko McLaren. And they're a specialist firm of Chartered Surveyors specialising and utilise utility and infrastructure sector. And Mr. Hyde already appeared, I think before you at the previous CPO, but he specialises in major infrastructure projects. I also have Kiran Mona, who is the Senior Project Manager in the UK offshore wind development team. And he manages the land and stakeholder team with responsibility for those particular interests. And I also have Brian mcnellis, who's the onshore consents manager, who I think should be familiar to the panel. But, again, he's an engineer with environmental qualifications as well, but he will deal with any project related matters that might arise in the context of today's hearing agenda. Mike matters. Thank you. So that concludes the like the speakers today. Thank you very much. I'm very grateful for that. Now, just before I move on, is there anybody else in the room who believes that they should be speaking today, but who I have not, for some reason introduced?

16:12

And that is the sort of silence that I do like to hear, because that means that all of our pre registration, all of our

16:20

understandings about who's meant to be here are broadly correct. Now, the introductions are complete before I hand back to Mr. Rigby to conduct the main business of these hearings.

16:32

I wish to raise one final preliminary matter. And then I will ask if anybody else has any other essential question of an introductory or preliminary nature that needs to be resolved now because it won't be picked up under any of the other agenda items. Now, the matter that I wish to raise relates to

correspondence that the examining authorities received from Suffolk energy action solutions or CS yesterday, and raising a broad range of concerns about the manner in which the applicant has conducted relationships are the applicants rather, who have conducted relationships with affected persons whose interests in land are impacted by the proposed developments. Now, I think it's important to flag with that correspondence that that entity, and CS is not an affected person in a in and of itself. It is not an entity that has land or rights affected. So it's not a body that we have asked to speak at today's compulsory acquisition hearing, which is a privileged place in the sense it's the place where people who are affected persons have an absolute right to speak. And it's their forum, not the forum in which broader objections from interested parties who don't hold land or rights

17:59

can be brought forward. And I'm drawing attention to that correspondence because it has been placed into our examination libraries at Reference Number A s, that's an additional submission as hyphen 074? And

18:16

should there be any member of sees as a body who is an effective person here today, who wishes to draw attention to any of the matters raised in it? And if those matters are directly relevant to your individual submissions, and then Mr. Rigby and I take the view that they can be brought forward in your individual submissions. However, in terms of the generality of the matters raised in that correspondence, if they don't bear directly on your own particular circumstances, what I would ask is that we reserve any discussion of them emerging from an affected person here today, to any other business item 11, if necessary, I mean, may not be necessary to discuss it to that point.

19:09

But that will mean that we fairly get through all of the business relating to individual affected persons, before we start talking about broader matters in the round. So that was the preliminary matter that I wish to raise. Does. Does anybody want to address us on that point at all?

19:29

I'm just checking to see if there are any yellow hands rising at this point.

19:34

I am not seeing any. And so I'm, so I'm sorry to interrupt. I'm instructed by Marty to address that issue with you. But obviously, I'm content to do that at item 11. on the agenda. Excellent. Thank you very much, Mr. fullbrook. On I'm very grateful. And unless anybody else has any points that they wish to raise on that, I will then ask one final time.

20:00

Are there any other burning matters of an introductory preliminary nature that we need to resolve now before we move over to the second item of this agenda?

20:10

And again,

20:12

I'm not seeing yellow hands.

20:17

And on that basis,

20:20

I think we will move on. Actually, apologies. There is one final matter, which the case team has reminded me of. Mr. Lewis, Michael Lewis. And

20:33

I gathered that he has requested to be heard early. So Mr. Lewis if you're here, and that's, that's a request that in principle, Mr. Rigby and I can accommodate. So when we get to the relevant agenda items, and we will try and do that. Is there anything else that we need to be aware of? Mr. Lewis before the call? No.

20:55

Okay. Thank you very much. In which case, I'm then going to move on, and I will hand over to Mr. Rigby for agenda item two. Thank you very much, ladies and gentlemen.

21:08

Thank you, Mr. Smith. Good morning, everyone. My name is Guy Rigby, and I'll be leading the remainder of these hearings.

21:18

And as we're online, can everyone see and hear me, okay, I'm assuming your, your, your, um, your, your

21:27

great stuff. So now we move on to item two, which is the purpose of these compulsory acquisition hearings, which is the how and the why.

21:36

So first, some preliminaries about how we conduct these hearings. And now I went through this first pair of compulsory acquisition hearings. But there are effective persons here, who were not present at the first hearings. So it is important to explain again, please bear with me, I think it's very important that we all know what the ground rules are.

21:56

these hearings are being held as part of the examination of an application by East Anglia one North limited for an order granting development consent for the construction and operation of the standard one North offshore wind farm. And as part of the examination of an application by East Anglia to limited

for an order granting development consent for the construction and operation of the standard to offshore wind farm.

22:23

Both the standard one North offshore wind farm and the East Anglia to offshore wind farm are nationally significant infrastructure projects under sections 14 and 15 of the Planning Act of 2008. They each consist of an offshore array of wind turbine generators and associated infrastructure,

22:45

subsea offshore cabling to land for

22:48

underground onshore cabling to a substation at Friston and connection to the National Grid by means of a new grid connection substation.

22:59

These second hearings are being held principally to enable the examining authority for each application to hear individual objections from affected persons in respect of compulsory acquisition, and temporary possession. And they're being held under the examination procedure rules, which are made under Section 97 of the Planning Act 2008.

23:20

At today's hearings, as we've detailed in the agenda papers,

23:25

the examining authorities will hear individual objections from affected persons, whether in respect of either or both of the original applications and or the applicants changes to those applications. Because there are two applications here, it's a bit of a andorre. There.

23:43

Then insofar as the available hearing time today permits, we'll hear and conclude on that stunning matters in respect to the applicants strategic case, and whether the relevant legal tests policy and gardens have been addressed. And we've structured the agenda to enable that to happen. In particular, we will inquire into consider and establish clarity in respect to the following matters for each obligation.

24:08

First, under item three, we'll hear from any persons whose land and all rights are affected, and who wish to object to either or both applications on the basis that the applicants have not complied with the relevant legal tests, policy and guidance, in respect to their individual interests in relation to compulsory acquisition of land and all rights and or temporary possession of land and all rights

24:35

in order for them not to have to wait until item 10 are also here at this point, as part of their submissions on any matter in connection with item 10. So if you're an affected person here today to avoid you

having to stay for the entire day. If there are items you wish us to hear about in relation to item 10, which is basically the Human Rights aspects, then we will hear them as part of your submission.

25:00

Under either item three, or item four. And next under item four, we'll hear from any additional affected persons. That is to say any person affected by the applications for the inclusion of additional lands submitted at deadline one, and who wish to object to either or both of the proposed positions on the basis that the applicants have not complied with the relevant legal tests policy and guidance, in respect of their individual interests in relation to compulsory acquisition,

25:29

and temporary possession. Now, I don't think we have anybody in that classification here today. So I'm not expecting to hear anybody under item four, but we'll cross that bridge when we get to it.

25:43

And also, under item four, we'll hear from any additional affected persons on matters arising from the agendas of the first pair of compulsory acquisition hearings, which were held on the first of December 2020. So we're winding the clock back there for any additional affected persons. And also, as I said, with item three will hear at that point on human rights matters in connection with item 10.

26:09

will then hear an update from the applicants on any matters relating to the application and operation of the compulsory Acquisition Regulations underwriting for and any consequent effects on the timetable, so the examination of either or both applications.

26:24

And then insofar as the available hearing time permits, we'll hear and conclude on the following matters listed on the agenda for these hearings. These being matters, which were either not heard or any part heard at first compulsory acquisition hearings. So it's item five on the agenda will hear any outstanding matters in respect to the compulsory acquisition, and related provisions presented within the draft DCs and land plans.

26:50

And the interest of time and expediency we will hear at this point, this item of the agenda from any strategy Undertaker's for instance, in respect of protected provisions,

27:01

as item six would explore any outstanding matters relating to statutory conditions and general principles, including the need for centimetre corridor width, the availability of land broom covered multiple accesses to section three via the cable router solving them, and the consequence of job evaluation issue about costs not being properly justified. As item seven, we'll hear review from the applicants of the CEA schedule and related matters. As item eight, we'll hear from the applicants on any outstanding matters relating to funding, including matters relating to the contract for difference process and guarantees,

27:40

as ISO nine would hear an update from the applicants in respect of sections 127138 of the Planning Act, including in respect and representation is made by statutory undertakers earlier under item five, and whether there are any remaining which have not been withdrawn. So any any representations made into the examination. I do apologise made by Saturday undertakers, and whether there are any remaining representations which have not been withdrawn. I wasn't envisaging it will be necessary for the statutory undertakers to remain for that item unless they wish to hear and comment on anything which is said by the applicant. In item 10. We hear outstanding matters related to human rights and the public sector equality duty. And under item 11, as Mr. Smith has outlined, we will hear on the CMS correspondence if there is any need to do so at item 11.

28:31

And the examining authorities will conduct these hearings in a roundtable format. On most items, particularly items three and four will hear first from affected persons. And then item five, under the particular bullet point we'll hear first from statutory undertakers.

28:47

Please note that section 94, eight of the Planning Act applies and we will not hear from anyone on matters which are irrelevant, vexatious, frivolous or the matters of compensation or the merits of policy. I don't suppose anybody will. Because we've all been at these hearings. Most of us been in hearings before but I mentioned it nonetheless. And we will permit the the applicants and our response to all points raised, if necessary, because of the applicants response. It is necessary. The panel will then allow the original speaker to conclude taking account of the applicants response, and we may limit the time for this conclusion to mono within five minutes. We'll then move on to the next person requesting to be heard in the same manner.

29:32

As we make question any speaker on any relevant issue arising from the compulsory acquisition proposals.

29:40

Any persons wishing to present and rely upon experts evidence to ensure that their relevant experts are present and available in these hearings to give evidence and to be questioned?

29:52

Can I just briefly ask Is Mr. Lewis seeking to to interject I just saw

30:00

His icon glow briefly there?

30:05

Because if not, could I could I ask for

30:09

his microphone to be turned off whilst Mr. Rigby concludes this section?

30:14

Thank you very much.

30:17

Thank you very much, Mr. Smith.

30:22

Sorry about cross examination, we know we will only permit cross examination on specific requests. And if we decide it is necessary to ensure representations are adequately tested, or the persons have had a fair chance to put their case, at this stage, it doesn't appear to the panel that there are any matters on this agenda, which give rise to any issues in respect of which this may be required. So we don't think cross examination is likely to exist the conduct of the hearing, so we don't expect to be invoking that. And now a little bit more about the process. We're conducting these hearings in accordance with sections 92 and 94 of the Planning Act 2008. And rule 14 of the infrastructure planning examination procedure rules, which relate to procedural hearing. Specifically, rule 14.2 requires us to set out at the beginning, the matters to be considered these hearings, which is what we've just done. Our purpose today is to consider the matters on the agenda that was circulated last week for each application. Given the numbers here today, we hope for a relatively informal approach, while remembering that this is technically a statutory inquiry under the Tribunals, Courts and Enforcement Act 2007. The principle of Section 94 of the Planning Act 2008. Is that we did on questioning, although there is a provision for direct questioning should we use because it has been necessary as I said, I don't think that will be necessary. Today, I'll believe in the questioning on behalf of the essays. Also, in procedural decision number 23 that we made on the 19th of November 2020. The examining authorities decided parts of the proposed changes to the application submitted by the applicants that deadline one and in particular, the requests for additional land are material, and that they engaged the infrastructure planning compulsory Acquisition Regulations 2010 as amended. So this hearing is therefore also being held in accordance with regulation 15 of the infrastructure planning regulations 2010.

32:21

Consequently, as I've outlined above, We'll also hear submissions concerning the changes to the applications at these hearings. So now quickly on to the why, under Section 1232 of the Planning Act 2008. Applicants seeking to acquire land and rights over land compulsorily. For nationally significant infrastructure projects under the Planning Act 2008 need to have made provision for this in their draft development consent order. There's an additional process under the compulsory Acquisition Regulations, which were invoked by section 1234 of that were additional land and all rights over land sought after an application has been submitted and where all parties do not consent to the provision.

33:07

There are then two tests which have to be satisfied under section one two to the app for each application. Firstly, a development consent order may only include provision authorising compulsive

acquisition, if the land is required for the development to which the development consent relates or is required to facilitate or is incidental to that development, or is replacement land which used to be given in exchange for the order land under sections 131 or 132 of the Planning Act 2008. Secondly, there must be a compelling case in the public interest for the land to be acquired compulsorily. So it's therefore for the applicant, to defend and justify for each of these applications. Its proposals and to show how the above tests are satisfied for each parcel of land, which attends it intends to acquire compulsorily for each application.

34:02

In particular, the applicant should be able to show that the land to be acquired is no more than is reasonably required, and that the public benefit outweighs the private loss

34:14

factors which we will take into account for each application in our recommendation to the Secretary of State as to whether or not to authorise a provision in the development consent order, authorising the compulsory acquisition of land include the following.

34:29

First, all reasonable alternatives to compulsory acquisition, including modifications to the project have been explored.

34:37

Secondly, that the proposed interference with the rights of those with an interest in the land is for legitimate purpose necessary and proportionate.

34:50

Then the applicant must have a clear idea of how the land which is to be acquired is to be used, and there must be a reasonable prospect of the requisite funds for compulsory acquisition because

35:00

Coming available. Also, the purposes must be sufficient to justify interfering with the human rights of those with an interest in the land affected, with particular reference to Article One of the first protocol of the European Convention on Human Rights.

35:15

The application must be accompanied by funding statements. And both these applications are, which explain how the application composite acquisition needs to be funded. It will also be helpful to include as much information as available at this stage about how each project as a whole needs to be funded and the business case.

35:33

The applicant should also be able to show that adequate funding will be available for compulsive acquisition within the statutory time period.

35:41

It's noted in this case, the applicant for each project wishes to apply to Veritas such as to try and pick a time period from five to seven years. So each applicant should be able to explain why that variation is necessary. Each applicant must also submit the application a statement of reasons relating to the compulsory acquisition provisions, and which justifies the compulsory acquisition sought, explains why there's a compelling case in the public interest, and gives reasons for the creation of new rights. So the documents we will be using, which I refer to are the latest versions for each project.

36:20

Reference may be made in these hearings to various items of legislation, gardens and advice, the Planning Act itself, infrastructure planning composter Acquisition Regulations, which were also invoked, and dclg. I know it's interesting, it's still dclg, because it's not being changed is dclg guidance relating to procedures for capacity acquisition, the examination of applications and planning advice, note 16, from the planning Inspectorate on how to request to change.

36:51

So moving swiftly on. That's all I wanted to say by way of introductory remarks. But before we move to item three on the agenda, are there any preliminary or procedural matters that need to be addressed? Anybody? anything they want to say at this point?

37:09

If not, I don't see any hands. Do the hand monitor see any hands? No. We'll move on to item three. Now. I can make my own hands.

37:20

Sorry, I can confirm no hands. Thank you very much, sir. We've had problems in previous hearings. Ladies and gentlemen, were hands up here and I can't see them or other people can't see them. And sometimes they stay there when they should be going down and things. So that's good, no hands. So the main business of these hearings is starting with agenda item three, which is to hear individual objections from affected persons. And as I said earlier, we're here to take as item five, so we now want to hear from any persons whose land and all rights were affected, and who wish to object to either or both applications on the basis that the applicants have not complied with the relevant legal tests policy and guidance, in respect of their individual interests in relation to compulsory acquisition of land and all rights, and all compulsive, temporary possession of land and all rights. And we'll refer as necessary. So the latest versions of the land plan for each application. This the panels are updated deadline one, and our rep one, dash I oh four. If anybody is fixed, they need to look them up. And the corresponding book of reference, which is updated at deadline three, which is rep three dash o one, four.

38:35

So in order not to wait until item 10. As I said earlier, we'll hear from

38:40

people under item three, We'll also hear anything they want to say Under Item 10 on the agenda. At the same time, just to remind people, item 10

38:51

refers to article one the first protocol of the European Convention on Human Rights, where every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one should be deprived of his possessions except in the public interest and subject to the conditions provided for by law, and by the general principles of international law. There's also article six, which relates to

39:14

everyone being entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law that we hope is us. Article eight of the European Convention, everyone has the right to respect for his private and family life, his home in his correspondence, there should be no interference by public authority with the exercise of this right, except such as is in accordance with the law and is necessary in democratic society, in the interest of national security, public safety, or the economic well being of the country, prevention of disorder or crime or the protection of health or morals, or for the protection of the rights and freedoms of others.

39:55

Also, Under Item 10, which we will hear now. If it is

40:00

convenient for effective persons, the degree of importance to be attributed to the existing uses of the land which is to be acquired the weighing of any potential loss of such our rights against the public benefits if either or both developing consent orders are made. And finally, the public sector equality duty, which is under Section 149 of the Equality Act, 2010. And which requires public bodies to have due regard to the need to eliminate discrimination, harassment and victimisation and any other conduct that is permitted by or under the Act, advanced equality of opportunity between persons who share a relevant, protected characteristic and those who don't share it, and to foster good relations between persons who share a relevant protected characteristic, and those who don't share it.

40:53

Just a quick reminder, the Equality Act really was brought about to allow all this to be heard. And the Equality Act enables the public sector equality duty under Section 149. I understand from our introductions under item one, that we have the following people wishing to speak. First off we have Michael Lewis, who I gather may have had some of the issues and may wish to be represented by someone else if that occurs, but I think at the moment we're okay there. We also have Alexander Jimson for Elvis Jimson. And we also have separately Alexander Jimson. For the wardens trust, and we'll just take them in sequence. I think that's the logical way to do it.

41:41

We then have Tessa watch check, but I am told that she's not with us. If she doesn't appear, she is not willing to present. Right. Thank you. Okay, well, if she does appear, we'll fit her in somewhere. I'm sure. We don't have Richard Reeves.

41:57

We then come to Michael Marni, who is represented by Ben formaat ben Fallbrook of Lamar chambers. I gather that Ben fullbrook will speak. And Michael Marty may need to give instructions possibly, but otherwise he doesn't intend to speak.

42:15

We also have Neil Kenyon and Lisa Louise Kenyon. But I gather that Richard Cooper who is representing them is not here at present. And in deed, Mr. Rigby, neither are Mr. Kenyan, almost Kenyan. So at the moment,

42:32

nobody for for that grouping. Right. Thank you very much indeed. Mr. Smith, in which case, first off, I will hear from Michael Lewis, please.

42:51

Is Mr. Lewis with us? And

42:54

yes, I am. Thank you. Can you hear and see me? I can certainly. Excellent. We can hear you as a picture coming, I think.

43:06

Yep. There's something going on now. I'm sure.

43:14

Don't worry, Mr. Lewis, I think your picture may appear in a minute. So if you want to speak in the meantime, please feel free to do so.

43:23

Right? Well, good evening.

43:27

I would like to object to both

43:31

proposals, by Scottish fire

43:35

to have permanent rights over the verges and sub soil, of my property. On the church, road church lane, in the church, road church lane area.

43:54

I have raised in the past some of the issues concerning this.

44:01

And I would describe that as point A, I also would like to go on to point

44:08

B, which is a far more complex issue.

44:11

I still cannot see

44:15

that I'm on the on the screen.

44:18

Does that matter? Where you find

44:27

my case? As far as the point A, it's been raised before.

44:32

And

44:34

my my position is that I'm unable to make a decision as to whether to comply with or not challenge Scottish powers application, because I have not had sufficient information, which is a point I think you made that is just not explained to me To what extent

44:58

I am going to be affected.

45:00

I have tried to seek this information. In fact, I've already spoken and took took the advice of your Chairman The last time I raised this issue. And at the moment, I have not got that information. Well, I will say is that the latest plans that I've had from Scottish power, which concern expansion of water and limits at work at number 33, would sign bond cottages suggests that the amount of land that they want is the whole of the curtilage of my other North curtilage of my property? Before it was not. It seems to extend

45:44

the upper church lane, which takes into account part of the church bank and verges.

45:53

In my discussion with Harry hide, or I believe is here today, he said that that was not the case. It shouldn't have been read in that way. But it does.

46:04

It seems to cross church path area.

46:08

Properties. This is the only vehicle or access to the church, and and to the village hall and a number of residences, but I'm talking about my situation.

46:22

The new plans, which suggested a pipeline make and what I can only describe as orchard bank, also affect my property because I'm the corner of my properties. Is there.

46:35

An important point anyway, is that the situation is such that the only vehicle off road access that I have off road parking is is covered by this particular proposal.

46:53

So

46:55

my my position is I have had not sufficient information to make a decision, other than by just issuing,

47:05

if you like a stock gap, objection. That's that's point one. I don't know whether you need any clarification further on that. I don't want to spend an awful lot of time on that matter.

47:19

That is reasonably close. But what I was going to flag is simply the fact that we do have the applicants representatives here today. And through Mr. Ennis,

47:33

if there are things that could be made clearer if there are conversations that could be had, during the course of the examination that could lead to

47:45

if not becoming happy with the proposal, or at least understanding it more clearly than you currently do. And it is perfectly normal for those conversations to happen during the examination. And I would I would urge on the applicants

48:00

careful consideration about how they can make that happen. So that, you know, to the extent that we can we get to the end of the examination with as clear an understanding as possible, about what you object to. And secondly, if there are matters that you no longer object to those are made clear, so that so that we can, in the end, make recommendations to the secretary of state that deal with the matters of unavoidable concern, as opposed to just this general sense that you need to have a conversation with them, but the conversation isn't happening to your satisfaction. So I'll leave that one on the table

for the applicants and Mr. Lewis The floor is yours again. Right. The second part of my objection is that I am of the opinion that that any private or foreign owned firm should not have any rights other than by permission of the UK Government. And so therefore, I'm injecting in principle to the fact that part of the national road into highway infrastructure of this country isn't hacked or the subsoil of it is owned by a foreign company. And I object to that, that is as individual I am speaking as an individual I'm not representing anybody else. And I would go further to say that this would apply to other structures like the ground underneath a pylon for example, the ground underneath a nuclear power station, the ground underneath the Clyde

49:51

the River Thames under a railway infrastructure. So therefore, that is

50:00

That is my case, I do not believe that this is appropriate. I do not believe it is in the national interest. Now, there is I think it is a moot point as to where the national interest is concerned, and national security. And I don't want to go into any great detail I can, I can, I can explain this issue much more easily by a written submission. But

50:30

I would just refer to one to two factors, one, the COVID situation naturally, governments are very concerned about this, but some of the unseemly

50:42

discussions about who owns what, in terms of a limited resource, which is the vaccine

50:51

are well, I say unseemly?

50:55

Do we have intellectual rights, property rights? If so, but the drug companies actually manufacturing that.

51:06

It seems to be that some countries at the moment are saying, We're independent states are saying that it is there, right, because it's made on their property.

51:17

And there are instances of countries actually insisting that they will see whether the drug company is actually telling the truth about the availability of things. So it really is a much more complex issue. What is perhaps a spec?

51:38

Now, I will refer that what is a dash rather than a.on, a public highway, a public thoroughfare

51:48

may have implications

51:51

very far reaching, and

51:55

I will I intend anyway, to pursue these. What I would like to say at this point is that it may well be under my section B, that it is outside of the remit of the examining authority, is that is the case, I fully accept that

52:16

I have to compliment the examining authority in terms of the fairness that they've shown in and courtesy in dealing with things, you know, complicated issues. But if it is the case, what I would like, would be a written

52:36

explanation as to why what I may or may have said, is not acceptable in in terms of this inquiry.

52:46

And I don't think that's unreasonable.

52:50

I've rushed race through this, but it's a question of time, and I don't want to take up unnecessary time.

52:58

Point is what I will flag is the, the merits of arguments put to us are not things you're going to respond to formally and in writing during the examination, because the way that we do business is that we divide our work, the phase of examination, where we investigate everything, and then a phase of reporting, where we form our recommendations and send them to the Secretary of State and our recommendation report to the Secretary of State in due course, and is published alongside the decision with the Secretary of State makes. And what we will do is on all important and relevant matters, we will include our reasoning in our reports. So the point of which you'll get to see the whole picture will be at the point when a decision is final. And in all costs of business.

53:55

Well, I thank you. I thank you for that. But it is important to me, because a number of people No, no, no, certainly I'm making a complaint under what I've described as submission a of my what I've had to say.

54:11

Some of them may suspect I'm up to something else, but I have not discussed this with anybody. So, I would not like my neighbours to

54:23

form the impression that either by default, or by inducement

54:33

have agreed to something which I'm actually very much opposed to. So I just want to make that point.

54:42

That is well, record now.

54:46

Good. I'm not sure I can. Oh, there was one further bit and that process might be helpful in discussions with Mr. Hyde, which I've had several. And I might say most congenial discussions

55:00

got to the point when this is all being done by phone because I requested of scottishpower ropes

55:08

and didn't get a reply. But I did get a contact with Mr. Hyde, who said to me, I don't think you've got a problem. And I said, perhaps and you could get Scottish power to write to me and tell me that I don't have a problem. That was not followed up.

55:27

I'm not sure I've got anything more useful that I can say at this point. I may take this matter up further, but

55:37

on that,

55:39

you know, Mr. And Mrs. The remarks we previously made about narrowing things to the extent reasonably possible. So hopefully, that if there's outstanding follow up can be can actually be followed up before the end of the examination period.

55:55

Okay. Mr. Rigby, any matters that you wanted to

56:01

know. I've just noticed that there's a slight echo when you speak, Mr. Smith, I'm not sure it has anything to do with your end or not. I think there's a little bit of feedback with them.

56:12

There's probably been a feedback with Mr. Lewis's system. And my guess would be that once we move on to the next speaker, it'll probably cure itself. That's pretty good. Harry. Here, everybody. All right. That's That's my only concern. Most so much. Mr. Lewis? Yeah, I'm afraid my system is pretty useless, along with my ability to talk with in such a

56:36

well

56:39

defined, Mr. Lewis, we've heard everything you've said quite clearly, I'm sure the recordings and the transcripts will be absolutely fine. Thank you very much. At this point, I'd like just to go to the applicant to ask, perhaps in respect of the first point, at least, whether there's anything you want to say briefly at the moment just to set the record straight or put matters right or whatever, address any of the queries. So to the applicant, please?

57:09

comments and half the applicant? I'm just going to invite Mr. Hyde briefly to respond to the matters, I think it'd be appropriate for him just to set out

57:18

what what the position is and the engagement he's had very briefly. Thank you. Thank you. Thank you very much.

57:31

Hi, Doug. McCarran behalf the applicant.

57:35

And just to point out that, in communications with Mr. Lewis is that relates to two plots that he is named with the interest in the land. There have been various communications within a Solar City is confirmed just now, to try and explain his reasons for inclusion in the book of reference, which relate to a public adopted highway and his assumed owner of the sub site bordering up to that plot, as well as nonregistered highways verge which is also assumed owner, this is titled does not cover that property that like other unregistered land has neighbouring owners, we've included him as a potential possibility in case he can prove deduce title on that land.

58:23

In my communications with Mr. Lewis, I have explained the rationale for his inclusion in the book of reference and in that respect, and also that the reasons for inclusion has to do with this outfall pipe came through the highway, and it was proposed to instal like normal street Works Act. Yeah, Mr. Hyde, it might actually be useful in case this crops up again with any other representations that were due to here today, if you can just give us a very brief verbal picture of

58:57

the process in relation to the management of land within a highway adjacent to the property the ad medium filing rule. And because if that can be simply and succinctly explained it, it may make clear and why you are engaging with him

59:16

in a way that maybe hasn't been completely clear up till now.

59:22

Yes, in respect of most of the highways that are included within your limits have neighbouring landowners at minimum final rule, the centre of the highway for sub soil is assumed donors. And that's their inclusion for named parties in the book of reference.

59:44

This is a generally applicable rule that that takes place across projects of this kind everywhere in England and Wales, which essentially is that where, where it is not known who the the owner of the subsoil is under the highway, the the presumption is

1:00:00

But it's the it's the neighbouring property. And so you you find yourself in those circumstances treated as though you are the owner of part of the highway, even though it's not physically within your curtilage.

1:00:15

That so that may explain some of this. Thank you, Mr. Hyde.

1:00:22

Anything else you wish to add there? Mr. Hyde? At the present?

1:00:29

No, thank you very much other than that, obviously, there are communications that we've logged with Mr. Lewis.

1:00:35

And

1:00:39

as I've just said, and I do so should you please do? Yeah.

1:00:47

Now, I do see that Mr. Lewis has raised his hand and would like to come back. Very briefly, please. Mr. Mr. Lewis? speaker is working. Can you hear me? Yeah. Can you hear me? Mister speaking again? Yeah.

1:01:02

I understand. I understand the issue

1:01:06

of the Milan phylum or whatever it's called. That's irrelevant to my particular position. And certainly in the second submission, is that I believe it is wrong for anybody other than the UK Government to own the land underneath the highway river port?

1:01:26

or what have you got it? That is my. So I'm not arguing about the legality? And just

1:01:34

putting an opinion on it, of course, it is an individual opinion.

1:01:40

I'm not a lawyer.

1:01:43

That's fine. Thanks very much, Mr. Lewis. Um, does the applicant want to say anything about that second point, or you can tend to leave that as it is, or your course have the option of written submissions? In any case?

1:02:02

communism, half the applicant, I think will respond in writing after the event, please it for me.

1:02:08

It was just one month, I did want to clarify that I think that Mr. Lewis had written to your office earlier in the proceedings, and we were invited to contact and and just to say that we did, immediately after that contact with me, I did write a letter to Mr. Lewis. And that is the part of the precursor to those discussions that have taken place since so I just wanted to make sure that you understood that we had responded to your request at that time. And that hadn't been left sitting. And we have sought to engage. But thank you very much. We've nothing really further to add at this stage. Thank you, sir. If I can just briefly add on that final matter.

1:02:47

There are

1:02:52

interesting noise there. And if I can just add on that final matter, and what will be useful, I think, Mr. And this is just a very succinct summary breakdown of the communications as have taken place. If you add that into your written submission post event, then that will make clear what's happened.

1:03:14

Thank you, sir. Yes, we will.

1:03:16

Mystery but yours very much. Thank you, Mr. Smith. Right. So next time, we have Alexandra jimson for Elspeth jimson, please.

1:03:39

Hello.

1:03:41

Can I just check the tip of what he can see me at the moment? Yes, see you and hear you clearly sir. Thank you very much, Mr. Rigby. And thank you for allowing me to speak again at

1:03:53

this hearing. I am speaking on behalf of my mother who lives at Ness House just north of Fort Ness and will be the closest property to the proposed land for

1:04:08

my mother is 98 years old is classified as a vulnerable adult and so I am representing her in this hearing and her rights. At at this time,

1:04:23

as people will be able to see from the various maps Ness House where she lives will be surrounded by to the south to the southwest where there is the director drilling point to the west, where the track of the proposed cable then approaches closer, closer to the property straight across the fields that my mother owns, and then touches the main drive to the property from the north.

1:05:02

We have three concerns, but which I'd like to mention this morning.

1:05:11

The first one is with respect with respect to the water supply to Ness House.

1:05:20

This was originally marked on the SPR documentation as an unlicensed borehole. That is not the case

1:05:30

that this is a well that has been present. For over 110 years. It has been supplying water to five properties. That's an S house the attached Ilex house, wardens trust and Ness House cottages number one and two, five properties get water supplied from this well, for the whole of that period of time.

1:05:56

This is not unlicensed. It is regularly reviewed by the Environmental Protection officer Michelle Stimson from East Suffolk Council and is regularly serviced by our water engineers very test water

1:06:15

we have only

1:06:19

in the last 12 hours

1:06:22

received any communication from SPR concerning this wellhead I received just after 10 o'clock last night an email asking for various information about it. So I continued to have it great concerns that SPR and in all their proposals have not taken into account of the fact that there is an aquifer

1:06:49

under their proposed drilling site. And under the trench corridor, which they have not taken into account, it's clear they haven't taken into account because they didn't know about it and they were asking me information. For instance, they didn't even know how deep the well is and at what level below ground datum the water level is. So, I have very considerable concerns. And with respect to I think your your your further agenda items, it does seem to me that this also falls under the category of an impact on my mother and the other residents human rights to access to a safe water supply, which it seems to me they are putting out significant threat. And just so, we clear solutions to this and I understand and I entirely expect that SPR again to come back to us at deadlines six with a solution the solutions to this are not

1:07:53

a water bottles and bottled water, if there is the water supply is in potable, it would have to be something more than that, there are children at the site living in nice house cottage, cottage one there is a vulnerable adult and they require a freshwater supply which they have had very satisfactory for many years from the well water.

1:08:16

So that is my first concern at which has not yet been addressed. and

1:08:25

and, and and I'm grateful for being given the opportunity to discuss it and raise it again here. And I have a second concern, which I think speaks more generally to the way that this process

1:08:43

has been managed. I am conscious that the examining authority is in charge of this process and has a duty in law to guarantee that it is fair, transparent and obviously objective.

1:09:02

My concern, therefore, is the fact that

1:09:08

my mother was asked to sign

1:09:14

a contract for pre consent access to her land for geotechnical purposes.

1:09:25

And that contract requires

1:09:28

at clause 16 that the grant or that it would be my mother shall not make a representation regarding a one and application nor a two application

1:09:42

and should forthwith provide the grantee that SPR with a copy of its withdrawal of all our previous objections

1:09:55

and we are also required to take reasonable steps

1:10:00

To assist SPR to retain all permissions and consents for their works on the option area.

1:10:09

That seems to me to be a onerous burden to pressurise someone to sign with, of course, I understand it is entirely in my right to reject it, and to not sign that clause. But it does put people in a very, very difficult position, if they are being required to sign something which says they are no longer allowed to object to an application. I should just point out for the benefit of spl,

1:10:42

if they'd come to me and said, Could we have pre consent access to these fields?

1:10:48

And, of course, you can continue to object, we would, of course, said yes, of course you can.

1:10:54

And I'm pretty conscious that their argument might be that this is normal business practice. But I am also aware that other

1:11:02

applications have a similar nature. In particular, those between EDF and size will see

1:11:11

for farmers in the saboten, and Middleton area, all of whom have been asked for pre consent, access to their land. Those contracts have not included a clause requiring people to either not object or even to withdraw their objection.

1:11:35

So I think this is a very serious concern, which I would hope that could be considered and puts, I think, my mother in a very difficult position.

1:11:50

I think there are also concerns that some of the other parts of these contracts

1:11:58

are also extremely broad and wide, and require one not just to not object to the current application. But it also says to future application. So if there was a future potential change to a contract about the easement of the cables across the land, one wouldn't be allowed to object to those either. That does seem to be also to be an unnecessarily onerous

1:12:28

clause and put this process into some disrepute.

1:12:35

With respect to

1:12:38

my mother's property, we have also noted that the current plans do also cover various parts of her property where she and her late husband, my father, planted trees,

1:12:59

after the famous storm, and many, many years ago, October 16, many people remember it very vividly, their epicentre passed out straight over the sidewalk. And, and trees were planted as a consequence of the incredible devastation that occurred in the Alexander wood further inland.

1:13:19

At present, the applicant

1:13:22

would be allowed to uproot all those trees, except that they have isolated to areas where there are trees, but the third in the south west corner of the property has not been included.

1:13:37

trees in this part of East Suffolk are a precious commodity. And the fact that they don't think they were worth preserving, does give us a great cause for concern about their proposed credentials as a company with with a green credentials.

1:14:02

That, in a nutshell, would be the three issues that I wanted to raise on behalf of my mother. I'm happy to take any questions about those. And then I'll mention a little bit more about Waltons trust, if I may afterwards.

1:14:16

Thank you very much. Dr. jimson. I think

1:14:20

it would be good to hear from you first about the wardens trust as well, before going to the applicants reply in respect of both because I detect there is a little bit of overlap going on here between the two interests. Although as Mr. Smith pointed out earlier, they are legally separate. It does strike me that there may be some common issues which arise. So if you would like to continue to speak to your interest in respect of the wardens trust, please. Indeed, and I've I will just flag that i've i've potentially got a couple of questions that I would like to put but again, as

1:15:00

Mr. IP is indicated. Dr. Jameson, I think, probably best to hear both. And then

1:15:06

the questions are applicable to both, or just the one will become much clearer. So thank you. No, I'm happy to do that. If I could just point out, though, I think it's important to note that when I'm speaking on behalf of Ness House, I am speaking representing my mother. That is a very, very different issue to what I'm going to be talking about now, which is speaking as a as the chairman of a trust, a charitable trust, where I am clearly speaking, on behalf of my trustees, and as required by the Charity Commission, I am seeking to further the rights and the future stability of a charity. I think they're two very, very separate issues. And I don't want that I don't want them to be confused, but I will I will just carry on. There is one comment on that. Dr. Jameson? Before we go any further, no, we're very, very conscious of the separate legal personalities and the separate purposes of those two interests and, and the nature of the charitable involvement. I guess, what we want, though, is to hear from you in relation to both before returning to the applicant, because there may be some common facts in terms of physical effects in terms of the extent of land take and the effect on rights, etc. And that's, so that's the only degree to which we are seeing there as being overlap. Okay, so let me let me start then. So first of all, I'll start with the one area, which I've already mentioned, which is clear commonality. And that obviously, is the water supply. So our charity has a very extensive business continuity plan, where we have examined all the potential reasons why our charity might, in the future have to stop functioning. One of those would be failure of water supply coming from the well, which we rent from the Ness House property.

1:17:15

If there was interruption to that water supply,

1:17:19

then the charity would have to close.

1:17:24

Many times during the summer, during holiday periods, we might have 20 or 30 children in the property that required, as I'm sure you're aware, a significant water supply we have an extensive set of dust, baths, loo blocks

1:17:46

and showers specifically set up for disabled adults and children. And clearly, we need an adequate water supply. So all I've said about the fragility of our water supply

1:18:00

is pertinent for wardens trust as well.

1:18:06

So the other aspects we are concerned about are clearly wardens is an interested party.

1:18:15

The first time

1:18:18

SPR made contact with our charity was a telephone conversation I had with them with one of my with one of my trustees on February the third.

1:18:34

We don't think that as a significant community resolves. And I think it's worth noting that in

1:18:48

SPL response to us, they did recognise I think slightly late in the day they did recognise as they put it to that we were a very significant community resource. It's noticeable, though that even if they did that, when they put their map of community facilities, wardens trust does not appear on it.

1:19:13

So we don't think at the moment that there are signs that SPR is in good faith really considering our position.

1:19:24

We also made a proposal to them at that meeting. But

1:19:30

a reply again, which I received just after 10 o'clock last night.

1:19:38

That reply, effectively it said that any possibility of any changes were now ruled out.

1:19:47

I do understand that. And I'm very conscious that wardens Trust has come to these meetings

1:19:57

later in the day.

1:20:01

But

1:20:03

we have been quite clear, and I hope entirely honest and open as to what we think is the very, very significant impact this development will have on the ability of our charity can to continue what it does, if the root is in its present position.

1:20:25

We have considered a whole range of alternative options

1:20:30

for the charity, which includes mothballing the charity for the duration, if I don't have clients coming. I think as I've mentioned before, we really depend between 30 and 40% of our income on clients. If we don't have clients coming, then as a charity, we don't have a function, we are not viable. We could mothball it, we have considered that we could up stakes and move somewhere else.

1:21:02

That also we think is extremely unreasonable. We have invested in our building over the last years, over the 33 years, since my parents started the charity, we have invested over a quarter million pounds,

1:21:21

we are not able to suddenly up sticks and find a purpose designed holiday accommodation for disabled people wetrooms Shah hoists, bath hoists

1:21:34

and the building of the current size we have and the site we have

1:21:38

anywhere else.

1:21:42

We have considered other possibilities. But one which we wanted to propose. And I do understand the difficulties of this at this time is that from our perspective, if the cable corridor was moved, not a long distance, a short distance, then we think that many of our concerns could be met. But we have been told that because we did not make this proposal by January the 13th, that all such possibilities are excluded. What we're trying to do here is to work in partnership with SPR. Let's together try to find a solution. But if the solution is Oh, well, we just have to have a bigger fence, a taller fence? Well, I'm sorry, the people who come to us say no, that's not adequate.

1:22:41

So we would be looking, and I proposed in an email to SPR that maybe if they have moved the site to its position that it is because one can see from previous maps, it previously wasn't going to be in the position it was that it is now it was previously in a different position further away from trust side, if that

1:23:05

move can no longer be changed.

1:23:10

And because they only approached us about the possibility that from February 3 after that deadline, I think that's that is a great concern, what we would like to do is to work with SPI and propose to the examining authority, that together Together, we should be given the opportunity between SPR and trust to consider a site where the cable corridor moves 200 yards to the west, we will be prepared with SPR to make the case to the Environment Agency as to why moving it slightly closer to their

1:23:51

designated areas is in the benefit of our disabled clients.

1:23:59

So that's that's my my next point. I think the third point, we just have a concern about

1:24:07

which I think relates to

1:24:12

again, item 10.

1:24:16

The public sector equality duty, we are not persuaded

1:24:22

that SPR have taken

1:24:26

a statutory duty to consider the impact of their proposal on people, our clients who have protected characteristics.

1:24:39

We do think that should have been taken into account

1:24:44

and it hasn't been

1:24:47

so I think under that title as well.

1:24:52

public sector, equality duty we also have great concerns about this proposal and it's for those

1:25:00

reasons that my trustees have asked me to object to the proposal in the very strongest terms. I have I'm not going to repeat to the messages I mentioned before, but we about about the importance of planning applications taking account of social capital, social resilience.

1:25:22

development in this country cannot just be about pounds, shillings and pence. And strict adherence to the letter of the law when, as I'm very conscious having read it now, planning has don't require us to take into account social capital, but it is nevertheless a crucial factor. And you know, in this Coronavirus pandemic year, we should be fully conscious of that. We don't think that SPL have taken that into account in this application. I'll leave it there and happy to take any questions. Thank you. Thank you very much. Indeed, Dr. jimson. Time is ticking on. And we're coming up to half past 11. So I'm going to suggest that we take a break now. And we'll hear from the applicants on the points that you've made both in respect of your mother, and in respect of the wardens trust. So if that's agreeable to all parties, I suggest we come back at quarter 12. If that's okay, with everybody in deed that makes eminent sense of mystery. And just to flag that I do have some questions arising from Dr. jimson submissions. But I think in the interests of us having a sensible break, it will make a lot of sense if hi reserve those until after the break. So Dr. Jim, thank you, in which case, Mr. Smith, would you care to reopen and put your questions first. Indeed, that makes sense. I I will I will bring us in after the break. So ladies and gentlemen, let's break now.

1:26:58

Thank you very much everybody for your contributions so far.

1:27:04

We will return of course to thank you very much, ladies and gentlemen.