

TEXT_CAH2_Session2_16022021

Tue, 2/16 2:37PM • 1:35:49

00:07

Welcome back, ladies and gentlemen, to the second session of compulsory acquisition hearings to just before we go any further, Can I check with the case team that the live streams are available once again, recordings have started and the captions has been switched back on.

00:25

Hello, Mr. Smith, I can confirm we can see in here the recordings have started and I believe Kj will confirm the live caption I can confirm that we can see the live stream and the live captions, actually. Excellent. Thank you very much. In which case, just to remind ourselves where we are, we are part herd in Dr. jimson submissions, both representing his mother Mrs. Elspeth jimson. of nice house and also separately, and as Chairman of the Board of Trustees of the wardens trust. And

00:59

now, Dr. jimson. We we have, and can I just confirm that you are back in the event unable to hear us adequately? And I am here and I can hear you. perfectly. Excellent. Good, in which case, and I did have some initial questions that I wished to put before we hear from the applicants on both of those submissions. Now, the first of those is a is in fact No, there are three questions. And

01:32

the first of those, though, is a physical question relating to the land required for the cable corridors in the environs of NASS house. And it relates to effect both on Mrs. Jameson but also on the wardens trust. And if we look at the onshore land plans, and rep one, Ivan 004. And, and we particularly direct ourselves to plot 13 shown on the onshore land plans, which I have been referring to, in my mind is the U curve. It's it's a section of the proposed cable corridor,

02:16

which starts at a reasonable distance in land the rationale for which is clear. And that is to avoid the immediate curtilage and setting up this house. And it then passes essentially diagonally across a field and avoiding on its immediate left a pond shown on plan until it strikes the boundary. Between that field the sea would boundary between that field and the land in closing, the dollhouse the wardens trust and ness house.

02:53

At that point, it then

02:56

performs its curve and moves inland again, and to pass where it meets and plot 14 which is the crossing point of the road, it passes between thought vent road, and thought vent wood and

03:13

an area of woodland adjacent to the size Warhol sizable haul road. And again, the rationale for its location, that position seems to be clear, which is to avoid woodland. And

03:25

what I would like the applicant in their response please to do is to explain to the examining authorities

03:34

the rationale for that you curve or alternatively, why it was not physically possible or whatever other constraint in the in the view of the applicants and bore on the decision making to proceed in broadly a straight line from

03:54

essentially plus 12. And directly across the two fields that I've referred to arriving at the gap. And between thought vent wood and the woodland adjacent to size or haul road out plot 14. Why does plot 13 need to describe essentially almost two sides of a triangle? So that's that so that's that's a question that I would like answered by the applicant please.

04:23

My second physical question and

04:29

which is a matter that is still in progress and so if the applicant is wishing to refer me on to

04:38

things unsolved, because they are still working towards a deadline six response, but is is a reminder around the water supply issue of this house.

04:52

to flag there within the site inspection note, you will see that the examining authorities have inspected that

05:01

Our concern with it relates to the possible impact on the aquifer from which it draws around horizontal directional drilling through the cliff. And whether there is any possibility of essentially a perched aquifer being punctured from beneath, and drained and,

05:25

but also questions about the integrity of water supply more broadly, and for the occupants of this house, and also the use by the wardens trust. So, so that's a that's a complex issues. As I've said, if you're telling me that you're going to kind of come back to us on all of that deadline six. That's fine. And

05:45

then there is a final question that I wish to raise on the book of reference. And here I'm I'm looking at

05:55

the deadline three, update, and rec three re p three, hyphens 014.

06:03

And what I'm trying to find within the book of reference, and indeed earlier versions of the book of reference are persons identified there, who are representative of the wardens trust, because the wardens trust as a specific entity is of course, not named. And

06:25

given the proximity between the facilities that the wardens trust operates, and its need for access over roads affected by the proposed development, as a starting view would be the wardens trust is, in principle, an affected person. Now there are a number of possible explanations, which could be that trustees of wardens trust are listed in the book of reference, we're just not represent. We're not recognising them, because we don't recognise the names. But I would like to ask in principle, the applicant, are wardens trust, represented in the book of reference. And if they're not, is there an in principle view that they are not an effective person for reasons? Or have they somehow been left out? Now? I know, there's a lot of question there. And I'm very happy to kind of take those in parts. And also, I'm very conscious of the applicant may wish not to come to those until it's given. It's in principle response to Dr. Jameson's submissions. So as soon as I leave it in your hands, if you're happy to proceed to the questions, and then and then wrap up your response. We can do it that way. Or we can do it the other way.

07:34

with you.

07:38

Thank you, sir. On behalf of the African, I think I'll deal with this in order and try to keep very clearly two different interests involved. So insofar as the first interest that's been raised by Dr. Gibson this morning, that relates to his interest, as I understand it as a power of attorney, for his mother, in relation to ownership of mess house, and adjacent land,

08:06

I think it's quite helpful just to set out a bit of the background. The applicants have been in discussion for a considerable period of time in relation to this land interest. And I think it'd be fair to say that back in January 2020, formal heads of terms were entered into, which Dr. Gibson was fully aware and participated in. And those were subsequently amended in February 20.

08:38

So, in terms of what happens next, and I just to put it in context, is the applicants, if they agree heads of terms with parties, will then proceed to negotiate with these parties, and also undertake to meet the

costs of both their agents and for those parties to be legally represented in those ongoing discussions. And that is exactly what has happened in relation to this land interest, in the sense of there are agents involved, and there are also solicitors representing the interests of Elspeth grimson through the power of attorney. And so I just wanted to make that position clear that this is not something that's all happened very recently, and there have been ongoing discussions and in finalisation of the terms of any land contract that may apply in terms of a voluntary deal. Those are perfectly normal commercial contracts where there is ongoing dialogue with solicitors it with the view to reaching those matters equally in terms of that contract. There are contractual terms and certainly any applicant will protect its interests in those commercial negotiations.

10:00

But equally, other parties are represented by suitably qualified legal parties who can respond to that. And that's the engagement that we've had. And this has been ongoing. So insofar as matters have been raised yesterday, and today about Dr. Gibson's ability to make representations to these proceedings, these are matters which have been raised and responded to berated solicitors. So the position is not as quite as straightforward as has been presented, I just want to make that clear. But at this stage, I will follow that up in writing, because I don't have all the correspondence in front of me. But there is more to the position that's been presented to this examination. And it's currently been put before you. And I want to make that clear, because we certainly do not want to stop Dr. Gibson, being able to present his position either on behalf of his mother, nor indeed, in relation to his separate interest as a trustee of the wardens trust. And I just wanted to make that position very clear from the from the outset. Insofar as the matters are raised, it is therefore clear that the particular land interest has been in negotiation has in principle agreed to the routing of the cabling. And obviously those negotiations are ongoing, and we'll see whether those reach finalisation or not. But in terms of these other matters raised I want to deal with, first of all with the water supply. Now, in terms of it being described as as by SPR unlicensed borehole. I think the term may sound a bit pejorative, but what it means is that it was properly constructed well before the time that we had licencing. And it's just a descriptor that's used to make the distinction between those that have subsequently been formally licenced. And those that are unlicensed, it makes no judgement as to whether they're good or bad. It's just a statement of fact, the borehole was constructed at a time when licencing wasn't required. So as I don't want it to be any deck that we're treating an unlicensed borehole any differently from a licenced borehole. Insofar as the this particular matter, it does coincide, obviously, with the interest and the issue that's been raised by the wardens trust. And shortly before the open floor hearings, we had attempted to make contact with Dr. Gimson to raise and discuss matters that he had raised. And he felt that it was better that those discussions took place after those hearings have taken place. And that's exactly the context for the subsequent discussion. That was held by Dr. Gibson. And again, we're grateful for Dr. Gibson for taking the time and having positive discussions in relation to the matter. There is, however, have to report one issue which could go backwards and forwards and it's a bit of a problem, in that we are seeking to gain further information in relation to the borehole. And once we've attempted to gain information from the council. They for reasons, which I think might be quite justified, I've said to us that were they would not disclose that information to us.

13:07

And equally, therefore, we're in the slight position of the only party that can exceed and provide us with that information. Is the wardens trust, or indeed perhaps the owner of the well. There was some ambiguity given this morning's comments about exactly who owns the well. But we would need permission potentially or provided with that information. I think that's quite important because it made to take parties, other parties to this process for you to get the information that you need on this matter. But as I say, we're getting a bit round in circles currently on this particular issue. And we do want to make sure that by deadline six, we're able to give you the best information. And also if there's any other relevant information that either the wardens trust, or the council may hold in this regard, because I think it's important that you and we get the best information. And I want to just to highlight that we will seek to work with those parties to get the best information. But at the moment, there is a bit of an issue. And we would like to resolve it as swiftly as possible if we can.

14:05

And then we would take it on and deal with the matters raised in deadline six. And that's I think the proper time for us to really discuss that water issue. I'm not going to try and address it as it currently stands. We understand the very real concerns that have been raised, both in respect of the ownership of mess house and also in respect of the submissions made by Dr. Gibson in relation to the wardens trust, and we're keen to work with them further on this issue, to seek to ensure that we can allay their concerns and meet their needs, should mitigation be required. So in terms of the matters relating to

14:55

Dr. Gibson as a power of attorney, I've got nothing further to add

15:00

But insofar as I deal with the matters relating to the wardens trust, I do have a further submission. And in relation to those matters.

15:11

One of the issues that we have, and perhaps pass over to Mr. Manor, one of the issues about this process is clearly, the whole Planning Act process is a bike prior notification, publication, and encourage people to participate. And at times, it does rely on people actually making those representations early enough in the process, and that is why there is such an extensive upfront public information process. And we do as applicants do our very best to try and capture everyone that might be affected to ensure that they can make representative representations at timeously.

15:52

As I understand it, Dr. Gibson wearing one position was aware of the proposals, but obviously the trust have a separate interest. And it's clear that the issues with the with the potential impacts of trust are different. In terms of the water supply issue, again, I defer to deadline six. In terms of we, as Africans do not understand the precise nature of the wardens trusts, landholding, or the London trust, and I might just refer to Mr. merner, who might be able to give some background to that, please.

16:29

Good morning. And the reason for the word distrust not appearing as an effective party in the book of reference, is called title to title checks, due diligence inquiries to date, have not shown them to have a land interest within the order land. And as such there, we classed them as an interested party but not an affected party. And our discussions with Mr. Dr. Gimson to date, we've kind of made that clear at the outset of both of those meetings, and we

17:04

are happy to continuously update and review opposition, but the you know, the process has been robust to date. And, you know, my understanding from discussions with Dr. Gimson on the

17:19

with regards to the wardens trust is not about land, their land rights are affected is the about the proximity to the the cable route and others land. Can I just interject at that point? Because if one side for example, looks at the book of reference, part one, and one looks at

17:41

plot 10. And then one sees

17:47

owners or reputed owners there have a section of the access

17:55

road, I believe in that case? No, no, that's that's actually the field sorry, it wasn't when I was looking at it was it was 12 and 14, just Just let me wind back 12 and 14

18:10

those are the access tracks only which are the access tracks. So deed there as a category two, we have Elspeth, Primrose jimson, of less house, and then a range of other interests listed there, and Wendy Louise all etc, etc, won't take you through them. Now, I guess looking at the location and operation of the trust it

18:39

it would be necessary to gain access to the trust, potentially to pass over

18:48

plot 12 also potentially over plot 14? And are Are we clear that the Trust has no interest in those plots? And what it just it just strikes me as very strange that we've got this body that is in a essentially quite an isolated situation. And that clearly has interests in land but yet isn't seem to be being picked up as having rights over the the access tracks that would lead to it. And

19:29

is that something that you can you give us some insight into

19:34

Kieran Myrna for the applicant? I think I would refer you to plot 13 and the access track that runs adjacent to that and goes down to the less house area from the north.

19:49

Just we're just plopped Well, it's it Yeah, no sorry, I with the order land. There's an access track that runs adjacent to plot 13

20:02

sizable haul road?

20:04

it, yes, it goes up along the highway, we understand that that is the the access that is used by the wardens because that,

20:14

from what for our understanding borders their least area, all out with the order land.

20:21

And, and so therefore it's your understanding that they have no legal rights of access over 12 or indeed 14 plots 12 and 14

20:33

for the applicant in terms of our registered rights title,

20:39

any representations made to date that are not in relation to those plots? And because we understand that the act the the access to the north is the one that has been used?

20:52

So yes, that is that that's our position. And our understanding

20:56

is, are we talking about registered title here or unregistered?

21:00

We're talking about the registered title. Yes, we're talking about registered title in relation to the interests of

21:12

sorry, we would be the title of the land that is affected by the order land. Indeed, I know. But but but if you were seeking to discover what rights

21:26

related to the wardens trust land ownership, if it was registered land, you'd just be obviously looking it's difficult to title and you'd see that whether it conclusively whether or not it had any rights over say 14 or 12.

21:42

So if it's registered land, it should be pretty clear. And so I'm asking you, is it registered land?

21:48

Yes, I think a pure murder. I see my my colleague, Harry Hyde, who did the title diligence in this area as put his hand up.

21:57

So I would probably he would be able to answer that question better than myself. So I will defer to Howdy. Thanks very much. Mr. Hart.

22:09

Mr. Hyde, I believe your microphones not on

22:15

you very much.

22:17

How are you? Hi, Doug. McCarran.

22:20

Yes, I can confirm the communications that we've had in terms of the land and the titles. If you're referring to the land to the east of plot 13 where it says sysvol Hill Road. Yeah, that is owned by a separate title to Dr. Gibson, on the neighbouring landowner and I understand they have at least have access to that land.

22:43

Which is that mean access to the wardens trust, which doesn't interfere with any of the land within your limits and refer to plots 12 and 14 and Stan the access rights to ness house and their tenants or people who live within the properties there have that right of access going through 12 and 14? So the wardens trust communications we have don't have access through 12 and 14. Okay, and you've derived that from where is there a Is there a Is there a registered title in relation to the land holding of wardens trust or or are we talking about unregistered title?

23:25

herring, I can count. Yes, there is a registered lease I believe for the wardens trust itself and a separate lease in relation to access overland that isn't owned under this house.

23:39

In relation to both of those, then it will be very clear to evidence to us the point that there are no rights in relation say to plots 12 or 14 and the sole means have access to the wardens trust is there for a long sidewall haul road.

23:59

That is, as we understand it, there was at least originally over the site or haul road, which I think is expired as being confirmed by

24:09

Dr. Gibson as being renewed recently, but it hasn't been registered on the title. So therefore, we've not seen a copy of this to confirm that. Okay, so we've got we've got some

24:21

and can I and again, Miss Dr. Jameson might be able to solve this one for us more quickly than anybody else. But Dr. jimson, are the interests of the trust held exclusively in leases of land here or is it the Freeholder of anything?

24:42

And the trust

24:45

is not a Freeholder in any land.

24:50

Okay, right. So, I'm getting a little teary that I was Thank you. I mean, essentially what we need them to understand

25:00

Here is and I would ask the applicants to do such additional diligence as they should reasonably do.

25:10

Really to nail that point is the sole means of access to the wardens trust and

25:17

the passage downsize will haul road which lies outside plot 13 is not affected

25:26

by

25:28

the land plan, the land plans, and others equally has no rights of access over any of the other means of moving in and out of the nest house area. So it doesn't have rights of access over what is listed in the book of reference and shown on the plans as part 12 or 14. Therefore, if those if all of those conditions are true, then the applicants view that the trust

25:57

is strictly

26:01

you know, fully capable of being an interested party but is is not directly an affected person is a tenable position, but we do need to be clear about precisely what the situation is here. So the best information that can be provided to us at the following deadline. So deadline six be much, much appreciated.

26:26

Okay, now, I'm unconscious. I interrupted you there, Mr. Hyde. So is there anything else that you need to do you need to tell us about the diligence that you've done to verify the position of, of, of the trust?

26:40

And what's behind that McCarren park the applicant other than the fact that we have requested a copy of the lease for this access a long hallway right? sidebar Hall road.

26:51

Previously from Dr. Gibson and his brother in law, Christopher on

26:59

we are still waiting to see to this copy of this least confirm that that x is still in existence as it was previously. Mr. Jones, Mr. Gibson, Dr. Gibbs may be able to confirm this now.

27:11

Dr. Jameson, I will I will return to you on that.

27:16

Do you want me to come back on that particular point or all the other ones raised by Mr. What I would like to do is just to hear you on that particular point. Mr. Ennis has not concluded we're we're in a, we're in a little kind of lacuna here where we went to miss we went, we went to Mr. Hyde in order to sort out this this land ownership and diligence point. And so what I do a fairness I need to do is to allow Mr. Ennis, to make his case. And if there are matters that

27:46

you wish to come back on, after that has been made, and then I'll, I'll ask you at that point. But if you can just if you can just address the specific point about the availability of the lease? Yes, I will make sure that the lease is made available.

28:01

Thanks. Thank you very much.

28:03

Excellent. In which case, Mr. Hyde. If that sorted that issue out, we can then return to the applicants general position, which is probably back with Mr. Ennis.

28:20

Yes, sir. Harry. Hi. I'm Karen.

28:23

Martha Batts. mistiness. Thank you very much.

28:36

Yes, you're on screen. Yes, Mr. South African. Um, just to say that I think we just want to get absolute clarity by all the land interests here. That was a reference to lease, it will probably also be helpful to have any other leases or other matters that the trust can make available. So we've got the complete picture, because I think we went to look for it and couldn't find a registered interest. So I think the complete package of leases would be helpful. If that's considered of relevance to you, or otherwise, again, we come back and another bits of the jigsaw might be missing. But it's the forest as anything that comes to us. Obviously, it'd be relevant to you will obviously make that available. So I think hopefully, that the actions arising from this might also be an advocate an action on the wardens trust to disclose that information, which may be of assistance as well. Can I emphasise

29:30

the 30 G's, the critically important examining authorities do you have clear ears?

29:40

Now, I'm I'm sorry, it's

29:42

quite bad feedback and feedback. Mister. Can I just ask you to mute your microphone for a second? Ah, thank you. Excellent. I think that solved the problem. Yeah, no, it is critically important to the examining authorities that we have the best possible intelligence about land interests in this location, their offices,

30:00

issue. There are obviously matters that are in ongoing discussion between Gordon's trust. And Dr. Jim snobby half of his mother and the applicants, we're not going to get to the bottom of those issues unless we can actually see the best and fullest picture of the of the land ownerships that are actually there. We need to resolve the simple question. No, it's not a simple question. But we need to resolve the question of whether the wardens trust are potentially

30:33

an affected person. And because it does make a difference in terms of the way that they are. They are considered in terms of any recommendations that we make to the Secretary of State. So it's important that we do have the best picture possible and yes, as far as actions are concerned, I will at the end of this come back to Dr. jimson, when I fully heard and you and Mr. Ennis. But, and provisionally, I think

we would, we would like to place an action on both the applicants and the wardens trust, and indeed, Dr. Jimson as lasting power of attorney for his mother to make sure that there is clarity around the land ownerships here and that all relevant title that may not be registered, has been

31:20

disclosed. So that so that we have an up to date, and clearly accurate book of reference here. And

31:30

I'm now they're going to go back to Mr. Ellis.

31:34

Yeah. This one is about the applicant. Just one last proviso on that is on that disclosure of information is that you suffer counsel hold information about the well, as does the wardens trust. If we can't get that information, it will hamper our ability to fully respond at deadline six. So we really do need that information disclosed as quickly as possible. Can I can I inquire briefly then, in relation to the Suffolk council? What is the rationale that's been given to you for its confidentiality or non availability?

32:08

Sir,

32:10

my understanding is the position as the vulnerable adults favour the water supply services honourable adults, and therefore there was a concern about its release.

32:20

Okay, now I did see a hand from Naomi gold for the council. So she may wish to assist us on this point. Most gold

32:31

Thank you, Naomi gold Isa counsel. Yes, essentially, it was just to confirm that we did have communication with the advocate and well with the Africans on this matter. And, obviously, private water supply is a sensitive and potentially vulnerable. And we do contain confidential information. And so we confirm that we do not like to release this information without a confirmation from the owners of safe water supplies, that information can be released. But we also said that if a Freedom of Information request was submitted that and with the consent of the the owner of those water supplies, we would release that information. And we did say that we would try and do this as quickly as possible as to make sure that we didn't hold up anything. So we have put that offer out there.

33:24

Well, I'm very conscious that deadline six is moving towards a pace. And in terms of doing the best by everybody involved here, including vulnerable persons potentially reliant on the water supply. This is a public interest process, the purpose of which in substantial part is to ensure that the interests of those who might be adversely affected are duly and properly taken into account. So we need to find a mechanism of trying to bring that information into the examinations if at all possible for it to be done.

33:58

And one of the things that we need to be clear about is obviously, if there is

34:05

if there's inflammation in the council's records, that

34:11

is of a private and personal nature or has any other privileged status, that means that it oughtn't be published and publicly disclosed, then please draw that to our attention and we can make sure that our team redact any information that is submitted so that we're not prejudicing the interests of of the value persons or harming their privacy or, or, or anything of that nature. However,

34:41

at the end of the day, the applicants need to know what they're facing. But critically, the Secretary of State needs to know what they are facing. And so therefore, this is information that ideally we do need by deadline settings. Dr. jimson

34:57

I believe your microphone is switched off. Thank you.

35:00

And I really think that I mean, it's a little unfair to suggest that we're not trying to be

35:09

compliant. When I received the email at 12 minutes past 10, yesterday, asking for four pieces of information, and then another one from SPR at five minutes past nine, and then I've been in this meeting ever since. So it is difficult for me to supply the information there is no, I don't have any concern about giving the information. All I'm just saying is that he was only asked that information yesterday. And the four questions I have been asked is a copy of the licence for the well, there is a reference in the documentation that that East Suffolk council uses when they communicate with us if that is the licence number, then I can easily give that and I will send the booklet that we keep describing everything in the well to them. That's not a concern, the grid reference of the borehole it's a it's a well, and I'm not sure you need that it's at ness house.

36:11

So I don't think you need it down to the last few metres. And I wouldn't know where to get the the grid reference. But it is at Nana's house, the depth of the borehole I have presented in my previous submissions, that's not a secret, I will give you that information. So I'm not holding anything back. And I can send water quality monitoring reports.

36:35

As your appreciate

36:38

our trust building is closed, we're only meant to go to visit it if it is essential. So we'll assume this is under the terms of our current restrictions and essential visit I will go and do that to get it off the computer there. And I can send it to to SPR. So please don't for a minute think that we are not trying to help this process, as seems to be the implication. I received a call about it just about 14 hours ago. Yeah, so those points are all noted. Dr. jimson. And I do think it's critically important, again, that we

37:16

you know, whatever the whatever the history of communication with applicants has been that we can draw a big line across that, and that we all will then focus on what what are the information needs necessary to ensure that by deadline six, these examining authorities, clearest understanding possible so that we can send, we also can stand a reasonable chance of making sensible recommendations to the secretaries to the Secretary of State on this particular point. And,

37:47

and and yeah, I think I don't think it serves the process well to for any of us to be worried about who said what to whom, at a particular time. That's for the washer, let's let's just make sure that we get the information and

38:04

move on from there on that basis. I would just like to reiterate, though, so that it's absolutely clear for this this meeting, that wardens trust is wanting to work in partnership with SPR. But at the moment, we don't feel that that partnership is is shall we say an equal partnership.

38:28

Okay. I do need to allow the applicants to proceed through their response to your in principle submissions documents. And so I'm going to return to Australia. And lastly to then proceed through the remaining matters. Yes.

38:44

Thank you. So comments on half the applicant, can I just make absolutely clear that there was no direct or implied criticism of either cancel, or Dr. Gibson in relation to the provision of the water supply information, and everyone is trying their best. All I was advocated to you was that there were challenges and getting this information perfectly legitimately. And I was trying to cut through that we could all try and get it there was no criticism made or any counsel, or indeed Dr. Gibson. And I'm very grateful for the time that he's taken and his responses. And equally going forward, I can absolutely assure Dr. Gibson that we will proceed in a transparent and open and fair manner with him. And his offer today will be reciprocated. And we look forward to working constructively with them, as we have done already. So I just make that statement. And if there is any problems with them, he's perfectly entitled to raise them. And we do expect to have good communication with them and effective communication. So let me just make that at this stage. And on behalf of the examining authorities as well. Should I make clear that

39:45

there is absolutely no concern whatsoever about the conduct of parties in respect of any of this. And, and we haven't taken any points away from either of your submissions, Dr. Jameson or yours, Mr. Ennis.

40:00

erring on the conduct of parties. All we're trying to do is pour libations of oil to smooth the passage of the availability of information that at the moment, for whatever reasons, is relevant, apparently relevant information, but isn't apparently coming forward in sufficient time to enable us to deliberate on it. And, Dr. jimson, I will come back to you, but I will ask the applicant to complete their response to your principal submissions.

40:29

I think one point that his comments about the applicant, one point that we've yet to send out was the routing of the cabling, which you asked, sir.

40:40

I think probably.

40:46

This was the UK of point. Plot. Third, yeah.

40:54

Good afternoon, Brian mcnellis board applicants in our selection of the onshore kippered, we've considered a number of factors. In this particular area. The two primary factors were approximately restaurants properties and wardens trust on the east, and the proximity of the special protection area to the west.

41:15

The deliberations of time and the fuse that the applicant has taken is that we were keen to maintain a 200 metre separation distance from the soundlink sspa. As far as practical, and the return between the landfall and the the SDA crossing to the north. So that that is fundamentally the logic of why we have that that new boundary, as you describe it on the just in life of plant Hall. Okay. The features shown as the pond on the lat onshore land plans, is that a relevant feature in the colour precise location of the cable corridor on land? Have you specifically avoided that?

42:02

bramah grounds for the applicants? It is a it's a feature on the mapping. It's, it's not particularly apparent when you're on site, physically, with boots on the ground. It wasn't a particular

42:17

affordance constraints. I think it's where your your questions is, and that we we haven't specifically sought to avoid that.

42:27

Duck Pond feature. Okay. Okay. Right.

42:33

Okay. And on that basis, I will then pass back to Columbus, for any concluding positions on behalf of the applicant. And then I am going to ask Dr. jimson, because I'm aware that he wants to

42:49

come back into we may just go around this one more loop. But Mr. Ennis, get to the end of your case. And then I will go back

42:56

to the outcome. That's the end of the case.

43:00

That is helpful. Dr. jimson

43:03

points of clarification arising from that, because I'm confident we can we covered a lot of territory.

43:12

Thank you. Well, I will just

43:17

take up more of your time, Mr. Smith. So I'm just going to repeat what I've said about the

43:24

my points about the nest house objections which was relating to the water supply. And we look forward to hearing a solution that is appropriate for the children and vulnerable adults on the site. And also our concerns about the process by which a pre consent access and the contracts and what was it was being drawn up. With respect to wardens trust just to repeat with the route the cable route in its current position,

43:58

we still believe is a significant threat, an existential threat to the use of our site by the sorts of clients that come to us. We have thought through whether there might be mitigations

44:18

higher fences doesn't make it necessarily more safe.

44:25

But we do hope that we can come to some rapprochement and more partnership with SPR and a simple solution. And I appreciate as I mentioned that this may be difficult in terms of the your previous deadlines, but a simple solution would be as you have just alluded to, to change it you're described it U

shaped curve, two one that went straight across the adjacent fields to my mother's property that would we think, not supported

45:00

actually impact the the the environmental agencies concerns. And that would make a an enormous difference to the viability of our site for disabled adults and children.

45:15

To that, and thank you for allowing me the time today. Thank you very much. And in putting all of that together, and I'm going to leave this to rest on the table with the applicant for responses in writing at deadlines six, so adding to actions. What I would like to ask the applicant though, is whether specific consideration in terms of citing and routing here has been given to the nature of the use to which wardens trust is put. And then specifically in relation to the public sector equality duty, whether or not there is a view formed about the potential effect of the works on persons with potentially protected characteristics? Who are the clients of the wardens trust? It would, I think, be very helpful if if a very clear, simple explanation of the degree to which those have been factors taken into account and routing or not, and emerges at deadline six. Now, Mr. Rubio unconscious that I have trespassed on your hearing.

46:27

But those were the questions that I wish to ask. So I will hand back to you. Not at all. Thank you very much, Mr. Smith. Those were things that we discussed in our German, so that's absolutely fine. And it will help us with perhaps with later items in the agenda. So now I come to the next person asking to be heard, which is Richard Reeves is Richard Reeves with us, please. Would you like to take the floor as it were? In a virtual world? Hello.

47:03

We hear? Yes. Hello. Can you see me?

47:09

Hello there.

47:11

Yes, seen and heard. Okay. Thank you very much, sir, for including me in this hearing a great deal of the issues that concern myself and the people who live at the cottages. Next House have been covered by Dr. Jimson. And we'd like to support his his submission there at this hearing. One thing that I'm rather than on plussed about

47:41

more than nonplussed really, is this cry that seems to be going up? Could you know can we have any information about well or the aquifer as if it hasn't been supplied? At

47:55

submission? deadline five, I submitted a detailed description of the soft chalk aquifer taken from sources that any of you could find,

48:07

like natural England, that the applicant could have looked up at any time and deadline.

48:14

Subsequent deadline that our last deadline that was deadline for I just referred to the major description but a deadline five, I provided

48:23

readings of depth and height above sea level of the surface and the actual bottom of the well at net house supplied by the people who look after the well there are tests or water

48:37

on the 26th of January a very recent reading. So we showed the depth of water in the well and where the surface of the wealth started and its depth above sea level. Then extrapolating that down to the landfall point, about 1200 metres away, where you could see that the way the aquifer is described by natural England which is describing a

49:02

gentle slope down towards the southeast.

49:06

It underlies the whole of East Anglia as I've made it clear in many many other submissions and quoting the relevant information, where it lies under the foot of thickness cliffs, it's lies down to the beach at about three or four metres.

49:25

I only mentioned this not to rehearse all this information again and i i did sense from Mr. Smith, question about whether the aquifer is in danger of being pierced both from above by HDD and subsequently when the HDD process reaches pumps out further into the sea up from underneath through the seabed.

49:48

That this information has been seen and digested and taken into consideration by the planning Inspectorate. I am at a loss as to why Mr. Innes

50:00

Should it be presenting the case that there is no information supplied about this aquifer, they've either not read it, or read it and decided to ignore it. And so it's there, please read it, you don't need to wait until the deadline six to see all the facts and figures measured by people who are professionals, not myself about the nature of the well. And the way in which it underlies the entire passage of the land which the applicant is seeking to use as its cable corridor. And indeed, the whole of the same there.

And the only other aspect that as the affected person, I should have said, Richard Reeves affected person in this house cottage, I'm sorry, I didn't do that at the beginning, really is access here, access routes. And there's been an awful lot of discussion about rights and land rights, I understand there has to be clarified. But obviously we have the cottages are in the position of

51:03

suffering considerable compromising of access to where we live through these works.

51:11

And what's not being taken into consideration, I think is the extent of the industrialization that's going to go on the fact that there are only two, two ways in Xs house and more than sight, one does come from sizewell Hall road, which he knows the byway and that is the main track that's currently used. The only other access is leading from the back of this house cottages, which is an unmade farm track at the moment. And at the moment, you can imagine it's almost impossible after the snow, it's very muddy, it's a very wet high water table area here as that would be with an aquifer just underneath it.

51:53

And we feel very strongly that there is great danger that all these works will lead us into position, particularly if it is inaccessible if the water site itself is inaccessible from Sasebo Hill Road along the main track, as effectively having no access in or out depending on the weight of traffic, the size of the operations. And I don't think that the applicant has made sufficient allowance for or planning for the effects of this will have. And I really feel that it's not just people living in cottages that you must take into consideration. But the other people who are really living around here elderly people, disabled people, and also the utilities, and it will not be possible for the oil and gas suppliers to come up the unmade track, they simply won't do that. And it won't be possible for emergency services. Either. ambulances, sizewell police who need to patrol here for obvious reasons, even in their four by fours will have great difficulty of these if these routes are disturbed.

53:13

So that really is what I'd like to say.

53:20

And once again, I just will flag it up. It would be great if the applicant could read our submissions, as well as the planning Inspectorate who we know always do.

53:30

So thank you very much, sir, for letting me make those points today. Thank you. Thank you very much. Indeed. Mr. Reeves, I just passed across to the applicants who, if they wish to address any of the points that have been made, at this point, please

53:54

do your monitor for the applicant. And I'll address the the point of access and the concern there. And the service kind of going back to some of the plots that you've raised earlier there the part to 12 and 14, I think, you know, through our leave, it's a walk and firmness in the access management plan, we have

made a commitment to maintain and keep all accesses or open or where necessary or practical, suitable diversion. So that is a that is a committee that we have made

54:34

within our RTC documentation, and

54:40

just on the the the point on the water supply and the information provided, I would probably pass to my colleague, Brian magaliesburg. You know, with good thank mysteries for for supplying that that information. I think, Brian, my colleague Brian can probably talk

55:00

About the requirement for further information to do the detailed assessment required.

55:10

Thank you prime mcnelis for the applicants. Just to clarify we have a lot of information on the aquifer itself or existing bullhorn borehole records within the local area that we have drawn upon was within the environmental impact assessment itself. And also, as you will see, at our deadline six submission, when we address specifically the point of the aquifer on the public water supply, the information that has been requested is very specific tutorial itself. Some information has been submitted, we have sought additional clarification additional information on other information. And as Mr. Ennis has said, really, we're in a space that any information that can be made available by the warden stressed or by date that property owners would be gratefully received. And we would take account of that within our deadline six submission.

56:04

Thank you very much. Anything else to be said here by the applicant? Please?

56:10

Nobody's not gonna.

56:13

Thank you very much. In which case, anything you want to come back on at that point? Mr. Reeves, or is that okay, for the time being?

56:26

Thank you, though. I'll leave it there just that my information was very specifically about that particular wealth and the nature of the water there. So I will happily send in further confirmation from the professional services who've done this measuring if you'd like me to as part of deadlines six, so that you do actually have the references there in further depth if you'd like it, but but that's it. Thank you very much indeed. Thanks, that that that would be useful. If you could mysteries, we could note that as an action, perhaps just to supplement in more detail anything that you've already submitted a deadline five, there's obviously no reason no need to repeat anything. But if you feel that there's something you

could add in which will give more detail in the present in the instant case here, then that would be very helpful.

57:17

I will,

57:19

if I provide something I hope it will be it will be additional rather than repeating Thank you very much. Thank you. Thank you. Right time ticket on. Next is Mr. Marty represented by Ben Fallbrook. So question quickly to Mr. Fallbrook.

57:37

How long do you need to make your submissions? Please? Could you give us some idea? Yes, sir. Approximately 25 minutes. So I'm in your hands as to when you want to take that Well, before or after lunch? Right. I think. Mr. Smith, I think it was 25 minutes. I think we could take the submissions before lunch, and then break for lunch. And we'll hear the applicants after lunch. Do you would you be agreeable to that? That seems to me to be a very sensible course of action. And and we will probably do as we did with them, Dr. jimson that if there are matters arising questions from the examining authority that needs to be dealt with, they will also be dealt with after after that. So you're in principle case, Mr. Fallbrook before lunch. I'm grateful. So

58:21

IP on behalf of Mr. Barney who's accepted person.

58:27

I'll be referring the course of my submissions. For principle documents, I thought it might be helpful to give you the references to those now to say.

58:36

So the first is Mr. Mani is written representations. And they are rep one hyphen 291.

58:47

And then also the land plan, which I'm sure you've already got open, that's rep one hyphen 004. Indeed, we do have the applicants response to Mr. manies written representations that's wrapped to hyphen o one, eight.

59:05

Yep. Excellent. Thank you very much. And the LMP as well, I refer to briefly as rep for hyphen. 815.

59:15

Thank you very much. That's very helpful. Thank you. And just by way of context, might help to turn up page two of Mr. Montes written representations and you should see on that page, a satellite image of the property which is affected.

59:34

Okay, we're going to

59:42

carry on with your submission will will, will, will follow you. I'm grateful. What you'll see on that photograph,

59:52

which is annotated, you'll see. There are effectively two portions of land at issue here divided by a mature hedge.

1:00:00

As highlighted in blue on the photograph that you'll see, to the west of the hedge is essentially Mr. Modi's residence in his house and garden. To the east is an agricultural field which he owns was is in use for agriculture. And obviously you can see I'm traversing that land,

1:00:22

several electricity lines. And on the land, there are four pylons, which you can see labelled on the photograph, and understand that the panel has visited the site in question, so it will have some recollection of how the land is laid out.

1:00:39

In Mr. Mani's, written representations, he's set out how he uses the land, how he and his family use, particularly the residential portion of the land, which may be affected by the rights being sought by the applicant. And you can also see just highlighting on that photograph while you put in front of you. In the southwest corner, just to the west of the blue hedge, you can see a

1:01:02

driveway, which is the principal access to Mr. Montes property. And I'll come to that, in due course,

1:01:11

as paragraphs 22 to 23. Mr. Mani has written representations, he sets out the primary work that the African proposes to do on the land in question, and for which it seeks to require the permanent and temporary rights which are the subject of this hearing. And in short, what the applicant proposes to do is to replace the tower in the north east corner towers at x 21. and relocate it very slightly.

1:01:39

And redirect the cable the line between that x 22 and Zed x 21. But importantly, what's not proposed is any realignment or reapply replacement of the pylons. And it's 2122 or w 22, or any realignment of the lines to the south and west of those pylons.

1:02:02

And so that's that's that's all I had to say me by way of context for for my submissions. And what I intend to do is take each effective clause

1:02:12

in order and obviously I'm aware that the panel has seen Mr. Modi's return representations and I'll do my best not to repeat what we say in there.

1:02:22

But if I could refer now to the latest version of the land plan,

1:02:28

and I'll just be brief on on plot 116. And the first issue with plot one was x is the extent of the the land over which the rights are being sought.

1:02:40

And now, the applicants statement of reasons explains that block 1116 will be used for the construction, operation and maintenance of temporary overhead lines. The land will also be used for temporary temporarily foot works areas associated with National Grid infrastructure and access to these works, including ancillary works to facilitate said access. And it is worth noting, by way of context that the

1:03:06

ground plot 116 previously extended somewhat further east, across the boundary into Mr. Montes, garden bite, bite, bite bite, fairly substantial degree in it, and it has been moved, which we acknowledged. But But nevertheless, there is still some overlap between the two. And really three issues arise in respect of the extent of this plot being sought. The first, we hope is just a point of clarification because it is not clear on which side of the hedge the border of plot 116 falls on. And we assume it falls to the east of the hedge.

1:03:47

But it is unclear from the plan. And indeed, the

1:03:52

LMP. I won't take you too far into time. But if you compare some of the figures on LLM p, there is a bit of inconsistency about whether the border of the plot

1:04:04

is on which side of the hedge essentially, as we assume it's on the eastern side of the hedge, if it were to, in fact be the case that the border went to the western side of the house, then Mr. Mani would clearly object to that, for the same reasons that he objects to he previously objected to the inclusion of that portion of his garden in the order land. And that hedge provides essential screening

1:04:28

from Mr. Modi's private residence and and the agricultural field. Yeah. So that hope, I hope is just a point of clarification. Because it seems that logic to have that border to the east of the hedge having moved move the boundary to the east. The second issue is that, you know, although Mr. Mani accepts that the border of one six has been moved to the east,

1:04:53

never it's nevertheless the case that it's the burden is on the applicant to justify that it has

1:05:00

A land that all of the land it seeks is reasonably necessary for its purposes. And and I would submit that the

1:05:09

applicant does not justify why that plot needs to extend so far to the west. So that it lies directly on Mr. Montes boundary, we'd submit this plenty of scope for it to be moved even farther to the east.

1:05:27

And naturally, Mr. Mani would want the boundary to be as far from his home as possible to decrease the impact on his immunity and the extent of the interference with his rights under Article One protocol one article eight of the convention

1:05:42

and plot 116 remains if you look at the land plan, it remains considerably wider than the cable corridor itself.

1:05:52

And as I said, to date,

1:05:55

no convincing or any justification has been received as to why such width is required.

1:06:06

The third issue on the extent of plot 116 is the fact that as I mentioned before, block 116, still encroaches on Mr. Montes, residential curtilage. And you can see

1:06:22

that it cuts off a substantial corner

1:06:26

of his garden, which includes, and I think you will probably have seen this again, from your from your I can confirm we've actually physically stored in the triangle, you'll know then the nature of the land, which is which is caught up there. It's it's quite plainly the case that any attempt to acquire rights over somebody's residential land represents a much more significant interference with their rights and requires therefore much more compelling justification

1:06:59

than it perhaps otherwise would. And in response to Mr. Modi's written representations on on this point.

1:07:08

The applicant has said that this land is needed to protect Saxmundham road during the realignment works, but we will make we made the following submissions on that point. The first is plainly this land itself is not the road and therefore some further justification be required to explain why land which is not the road is required to protect the road. The second as Mr. Mani set out in his written representations at paragraph 26. The works plan does not show any realignment happening in this portion of the cable corridor. As I've already said, the realignment takes place to the north and to the east of those pylons in the middle

1:07:57

of plot one six and I've drawn your attention to that.

1:08:02

There's been some suggestion in the applicants response to Mr. Montes written representations, that there needs to be allowance for some cables swing. that's never been explained in any any significant detail. And what we would say is again, as I said it's well outside of the line of existing existing cable corridor.

1:08:26

And although I need that national grid, who will ultimately be exercising these rights as today instructed leading Council and board technical experts to this here and I do not know in order to mister money what they will say, other than one meeting with National Grid some time ago, that there's no mister money has had no contact with national grid and there's been no attempt to explain or justify the rights beyond the very minimal cursory statements made by the applicant in his response to Mr. Montes written representations. But in any event, I would submit it's not enough to suggest that these rights might be required subject to detailed design, for example, because this is not a question of design. It's a it's a straightforward engineering operation. The interference with Mr. Montes rights must be justified and it is on the applicant to justify now at this compulsory access acquisition hearing why that interference is so justified. My just briefly interject on on that point, which is looking obviously at the land plans on shore and particularly sheet nine of 12. And there is an evident symmetry in inverted commas around the land sought either side of each of the two existing transmission alignments. If one looks at, for example, plots, 119 120 and 12111 can see that similar

1:10:00

And it holds good, all the way up to the point where the land required for the works to the transmission alignments, crosses Saxmundham road, then we hit the residential curtilage of Mr. Mani, and they're clearly and the applicant has sought to take some land but less than the full working with that they seek to take as part of of plots 119 121 to one. And

1:10:34

I guess the question that the examining authorities would have to the applicants would be are there particular technical requirements around the Working Width available either side of the transmission alignments that would mean that if the triangle of land in the far south eastern corner of Mr. Montes

domestic curtilage was not available, that it would no longer be possible to deliver the transmission alignment works.

1:11:10

Because it is evident that if that little triangle in inverted commas, that forms the the part of part 116 were not to form part of the order lands that there would be potentially a pinch point at that point between the land available for transmission alignment works

1:11:32

to the southwest of Saxmundham road, and the land available for transmission line works to the north east Saxmundham road. But then of course, there is the related question, which is about the point at which additional land to the north of the transmission alignment starts to need to become available directly adjacent to Mr. Marley's boundary. Okay, apologies, Mr. Fuller, but I thought it would be worth capturing those two questions before we move much further on to and I think you've captured that Very well, sir. And just the final point on

1:12:11

that that particular corner plot one and six is just to say that the rights that are being sought over that land, we submit are too broad.

1:12:20

There was a set out in Article 26 chapter nine, the draft and DCA but they go beyond what's necessary, we submit to protest merely to protect road include a right to remove buildings and structures and use as a temporary working site again, every right that the applicant wants to exercise, every Mr. Montes land must be justified by reference to a particular need. And if it is simply the case that that land is required to protect the road,

1:12:47

then the rights ought to be ought to correspond directly with that and not go any further.

1:12:54

And I now move on to plots 115 and 116. And just make some further submissions about the extent of the rights being sought. While we're on that topic. Now, Mr. Meyer has already made representations on plot 115, in his written representations, and perhaps an unusual feature of this site is that national grid already has

1:13:16

rights over the land by virtue of a deed of grant, which has been in place for some, for several years, a copy of that was annexed to Mr. Martinis, written representations and it's dealt with in full there. And so we detain the panel further with those because obviously, you can, you can look at those in your own time. But the point I'd make about this is obviously accepted that the applicant may need some additional rights over plot 115 during the construction phase of the project, particularly when the realignment and replacement of the pylon is taking place. But after that point, we'd submit there's no justification for seeking any rights which go above and beyond those rights, which it already has, by

virtue of the deed of grant, which ultimately, those rights have not caused any issue for many years. And there's never been any suggestion that they are inadequate, the use of that land hasn't changed, it's still being used to convey electricity cables over it. There's no more pylons for example, on the land, therefore, there's no more just there's no justification

1:14:30

for

1:14:32

any more rights than that are being sought.

1:14:38

And, and similarly with block 116. The rights for maintenance of the land which are set out in Article 27 of the draft DCA are more extensive than those which are contained within the grant for example, they include the right to create access and place buildings on the land.

1:15:00

We'd submit it again, it's difficult if not impossible to justify

1:15:06

the acquisition of these rights when the National Grid has already had rights over that land, which have proven to be sufficient for these purposes for very many years. And what we submit should should happen as a result of these submissions is that the the DCS should be varied such that plots 115 and 116 are expressly excluded from article 27. On the grounds as I said, that national grid already has the rights over that land. And one more just general point about the extent of the rights being sought, which is that we we note, the panel's comments on the decio and about article 26. And the 14 day period 14 day notice period, which

1:15:53

which landowners are required to be given. The reference for that is, is PD dash 031. And it's page 18. I don't think it's necessary to turn to that. But all it says we agree that

1:16:08

14 days is a very short period, we say it's too short. And we say it can't be justified in light of the plain inconsistency between the notice period which is provided in Article 27, which is a 28 day notice period.

1:16:22

Moving on, to plot 1178, I should say, I think I probably have another 10 minutes. I'm conscious of the time, but you're happy. I'll carry on. That's fine. Please proceed. Thank you. Absolutely. Moving on to plot 1178. If I could refer you back to the land plan. For that point, it's a bit more difficult to identify. But it's if you look at sheets, nine

1:16:48

and there's an insect in the bottom left hand corner, which magnifies plot 117. A it's it's it? Yes, we have it.

1:16:59

It's effectively a section of highway, probably highway verge, which Mr. Mani is assumed to be the owner of

1:17:07

the

1:17:09

temporary rights are sought over that lands to clear vegetation and erect scaffold protection over the highway. And that's that's made clear in the applicants response to Mr. manies representations.

1:17:23

And what you can see and what I tried to point out when we had the satellite image in front of us is that that land that 117 also

1:17:32

cuts across Mr. Montes driveway, so any anything that was erected on that land could potentially impede his access to his property. And it will also enable the removal of vegetation, which is, as I've said, the panel has seen, and which provides very important screening and privacy for Mr. Mani from from the highway.

1:17:57

And so again, any rights or tender, they will clearly have to have a strong justification. And it's submitted that there is no reason why the boundary I mean, in his mind is written representations, he made the point that there's no reason why the boundary of plot one seven, a cannot be moved further to the to the east.

1:18:20

Those submissions

1:18:22

still hold good. And in fact, if anything are amplified by the fact that the changes have been made to the boundary of block one, six.

1:18:31

First of all, it the suggestion and it has been suggested this, and allowance has to be made this this this plot needs to be so big because the allowance has to be made for normal conduct to swing for safety purposes. We've submitted that is, as I said, already unsupported by any technical evidence, but also

1:18:53

we say it makes no sense.

1:18:57

The justification or extending plot 116 into that corner, Mr. Modi's garden, and was the possibility that cable might swing over that far, which as I said, we have yet to see the evidence to support that. But even if you allow for that to be correct, it must be assumed that there's no basis for suggesting it's going to suddenly swing any further once you get onto the highway.

1:19:24

And therefore, we say what justification could there possibly be for extending plot 1178 several metres further to the west, over Mr. Modi's driveway, surely at the very least, the boundary of that plot should align directly with the boundary of plot one, the western boundary of plot 116 to the north of the road, and we would ask that the land plan be amended accordingly.

1:19:50

And then make a brief point about hedgerows and this is the point which touches on both plots 116 and 117 A

1:20:00

We add if I if I may just refer you to document a p p dash zero to zero. And sheet nine of that documents

1:20:13

have to bear with us was that is brought up

1:20:21

a PP zero to zero. That's right. Yeah, thank you

1:20:37

what you should see is a plan showing the

1:20:43

important header areas, which

1:20:46

it is proposed to be removed.

1:20:53

And you can see that there's a proposal to remove, for example, headers numbered 6362 61 and 60. Now, East Suffolk Council have made comments about these proposals in their representations. And I'll give you the reference, I don't think it's necessary to turn to it but it's rep five, dash 010.

1:21:17

PAGE 22, item 15.

1:21:21

Suggesting that insufficient justification has been given for the removal of these hedgerows. And we would respectfully adopt that submission. And obviously, you'll note that not all of those headers are on Mr. Montes land. But what Mr. Mani is concerned about is this, this diagram only shows the important hydrates which are being moved. He's concerned that the hedgerows which are on his land, which provide, as I've already said, important screening for him are proposed to be removed, but are not designated as important.

1:21:56

And some of these hydrates were planted 10 years ago, there will be regard to the semi mature, we submit there's no need to remove them. And would like assurance, this is more of a points of clarification, but like some assurance that they will not be moved. And they said this point needs to be clarified. And can I just clarify on that point, then the point is made generally in relation to all of the established hedging the forms, essentially the domestic curtilage boundary to Mr. Marley's residential property? Yes, that's right. So I've already as you quite rightly appreciated asked for clarification with respect to the hedgerow which, which borders

1:22:39

the his his garden and plot 116. I think, really, this is a more general point when it relates to one to six.

1:22:48

And I'm just looking at the various insects.

1:22:53

one to six, I think 1111 war as well to the north. Yeah, yeah, no, the point the point seems to be a clear and general one. And that, as you say, they're not I don't none of those are identified as important. We have raised a general question in the commentary on the draft development consent orders that was published only just prior to the start of these hearings on Friday,

1:23:22

about the justification for important as against General headrow. So so we're awaiting the applicants response on that point, but it's one that that our minds are alive to. I'm grateful for that clarification, sir. And then there's there is a further concern, which is not you can't appreciate it from that plan, but it relates to some mature oak trees in the

1:23:51

it's in the on the northern edge of the field, which constitutes plot 116

1:23:58

it's, it's perhaps most easily appreciated.

1:24:02

If you are able to return to the satellite image from Mr. Montes written representations to give to right at the beginning. Yes, just just heading back right now.

1:24:15

Okay, if you look at the tower, which which is circled in labelled xetex 21, in the northeast corner of the field,

1:24:28

and then you track along the northern boundary of the field to the to the, to the west, you'll see as a pronounced tree there.

1:24:39

Okay, yes, indeed. Yeah. So that that I understand is a collection of mature oak trees

1:24:47

in the field, and again, it's just a question really, if clarification is unclear. What is the what the applicants or national grid plans to do with those trees we know that they fall within the or close to the cable

1:25:00

corridor, we would have concerns. If, if they were to be removed to it, we simply just want some further clarification really about what the intentions are for those trees.

1:25:10

And

1:25:12

moving on to plots 126 and 12117.

1:25:18

And I say these bit more speedily, but

1:25:23

again, it's best to refer back to the land plan for those purposes. And those are

1:25:29

plots which you can see they run along side the highway.

1:25:37

See between Mr. martinis residence and the highway, just to the just to the west of plot 117. A.

1:25:45

Yeah.

1:25:48

Initially, it is the case that the applicant sought to remove vegetation from that highway verge. These plots like plot one and seven a form part of the boundary between Mr. Montes property, and the road. And as I've said, many times, the vegetation there provides him with important screening and privacy, and then any removal of that would have to be justified. But again, there's this kind of evident question to the applicants, they're looking at that on plan, which, which is that there's a general symmetry on both sides of the road, in terms of the land sought to be taken by the applicant. So one is assuming that they are generally interested in holding the right to manage the vegetation, both to the northeast and the southwest of Saxmundham road. But of course, on the southwest or Saxmundham road, the land is open agricultural land, whereas the land to the northeast is curtilage land. So

1:26:49

the question as to whether the same rights are needed on both sides of the road is therefore, one that that is certainly one that we're alive to? Well, again, I'm grateful that I mean, if it assists what the applicant has said in response to our written representations on this point is that

1:27:09

the vegetation clearance in these locations would involve cutting back overhanging or implant impeding vegetation from the highway to allow the passage of heavy loads. Now, that we said that's slightly different from the statement of reasons, which initially suggested That's

1:27:25

right, some sort of clear vegetation to increase visibility suedes on the approach the operational access, and I think what I'm instructed to say is,

1:27:35

again, this is partly a point of clarification. But if the applicant is able to give an undertaking that it will only exercise the rights in the manner that's described in its most recent response, which is essentially in the same way that a Highway Authority might do to to

1:27:51

clear overhanging vegetation and

1:27:54

maintain sort of access to these wide loads that doesn't involve removal of this screening. All these had all these head rays, then, and that's not something that's synonymous to get to But

1:28:06

clearly, it's unclear at this stage, and exactly what is proposed for that land.

1:28:14

Then turn briefly to plot 114, which is

1:28:21

on the North East boundary plot one and six on the land plan. And that is

1:28:28

currently a public public right of way, but it's suggested that Mr. Maroni

1:28:35

has some ownership over it had an interest in that land.

1:28:43

It's

1:28:45

that land has been sought by the Africans to be utilised for the purpose of the operation access Rangers I'm sure you appreciate runs along the western and northern boundary of that parcel of land whether this sort of pink snake of land is on the land plan.

1:29:01

And

1:29:02

it's now the case against you, you appreciate that from from the LMP that the subsidy proposed substation, one of the Western proposed substation has reduced in size suggested that it's going to be reduced in size. And in fact, it may is this just a turn to to the LMP. Just very brief in that, I promise I'm coming towards the towards the close.

1:29:29

But sheet by

1:29:31

sheet finger for the LMP

1:29:38

Okay, so this was wrapped for zero and five again from memory.

1:29:43

Yes, yes. Perfect.

1:30:07

Okay, so just take us back to this page reference again. Yes, in fact, it's bigger three.

1:30:14

Yeah. Okay, excellent.

1:30:23

In essence, what we'd say is, since the western substation, as you can see labelled on that figure is decreased, it's decreased in size, there's now more space to the north and to the east of the access road than there was before. And therefore plenty of scope for that road to get the centre of that road actually to be moved to the north and to the east and away from plot 114.

1:30:47

Such that there's no, there's no longer any reasonable requirement for that land to be acquired tinian it's only a narrow sliver of land.

1:30:57

But obviously, there's so much space on the other side that the justification for that resubmit is has changed, and it's it's much much reduced, to the extent it is not justified.

1:31:11

And obviously, if that plot words be words be moved, then there'll be no need to remove the important hedge row in that location the field which which

1:31:20

was shown on the plan to which I previously took you.

1:31:25

Then the final plots which want to address you on very briefly, plots one to eight to one to nine.

1:31:34

Again, it's really it's really a hedgerow point, again, a point of clarification, those plots

1:31:41

which on the

1:31:44

land and you can see it as sort of to the to the north and Mr. Martinez land. And well there he's he's he's

1:31:51

thought to have some interest in in that land.

1:31:55

It's understood that a change to be made see that work 34 has been reduced in size, which takes the access rate slightly away from the the boundary with Mr. Montes property.

1:32:09

But how Mr. Mani is still concerned about the potential for damage to remove live, mature hedgerows and trees on the boundary with his property.

1:32:18

Again, it's unclear what what is proposed in respect of those, but any any loss of that screening would lead to an unacceptable loss of privacy and for Mr. Mani, and he would object to that for that reason, given that there would seem to be no justification of his justification for altering or removing those headrests when the plots within which that accessory can be constructed is so large, we say that there can be no justification for any removal, but it will be it will be grateful for clarification as to the Africans purposes, in respect of that land.

1:32:54

And, and then, my, my final submission, it's a general one, but you will note that Mr. Marnie and Stacy's and organisation with which he is associated have made submissions about the future use of this land by other other projects, National Grid projects, which we submit are currently in the pipe way pipeline.

1:33:20

It's an issue for Mr. Martinez land because

1:33:25

as you as you may have seen from some Stacy's submissions made in January, I'll give you the reference for that, but I will mistake the Tirpitz rep four dash 113.

1:33:42

National Grid ventures has sought permission from Mr. Mani For example, to undertake further survey work on plot 116.

1:33:52

He is quite obviously concerned that

1:33:57

this project is DCR is the thin end of a wedge that actually there are there is quite credible evidence that further projects are not merely speculative or suggested but quite clearly being contemplated. And he would wish to make absolutely clear

1:34:15

that the rights which are granted under this

1:34:19

DCR in this process are no more than are required for the specific words.

1:34:26

And we would note and we will note also the examining authorities comments on that point

1:34:34

in its broader comments on the DCA. And again, don't take that as reference PD dash 031 page 25 you know that that actually these elements of the project should be considered a separate enset to ensure

that the effect of a range of grid connections are appropriately raised and mitigations are secured. So we would fit that point and I would like to distress Mr. Montes concerned about that.

1:35:00

Miss money hasn't been to context matters even one name, see if there's anything else I'd like to raise. But otherwise, that would be the conclusion of my submissions. Indeed. Thank you very much. Yes. May I suggest that we break for lunch now? Yes. And you can start your client and if there's anything else you wish to raise, please bring it back after lunch. I'm very grateful. Thank you. Yeah. rather late. Yes. case, it's 20 past one. So thank you, everybody for hanging on there. But I thought it was important to hear all that in one go.

1:35:29

I suggest we still take a full hour for lunch. And we will reappear here at 20 past two. So thank you, everybody. We will turn here at 20 past two.

1:35:43

Thank you very much.