

SADEP_CAH2_22 JUNE PT1

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FULL TRANSCRIPT (with timecode)

00:00:05:11 - 00:00:24:20

Good morning and welcome. It is now 10 a.m. and I'm starting the second compulsory acquisition hearing for the application made by Equinor Limited for Sheringham Shoal and Dudgeon Wind Farm Extension Project. A few housekeeping matters before introductions. Can you hear me at the back?

00:00:27:22 - 00:00:37:07

Great. Thank you. I might need some help with my microphone later on. I'm borrowing my colleagues. I'm sure that'll be sorted in due course. Okay. Um.

00:00:42:23 - 00:01:05:06

Uh, can you confirm that the meeting recording and live streams have started? Super. Uh, any requests for reasonable adjustments? No. Thank you. So there are no fire alarm drills today. If the fire alarm sounds, please exit the building and congregate in the churchyard outside the building. Um. Toilets are located to the right as you enter the building.

00:01:07:13 - 00:01:27:24

Onto introductions. I miss the. Hi. I have been appointed by the Secretary of State for levelling up housing and communities as the lead member of the examining authority to carry out an examination of the above application. I'll hand over to other members of the team of the examining authority to introduce themselves. Mr. Manning. Please talk you.

00:01:29:05 - 00:01:39:17

Yeah. Good morning, Mr. Manning. I'll be appointed by the Secretary of State to be a member of the examining authority. And I'll be leading on item three and contributing to item four and five today. Thank you.

00:01:43:03 - 00:01:59:29

Good morning, everyone. It is now 10:09 in the morning and we will restart second compulsory acquisition hearing. I think we got through introductions from myself and Mr. Manning. If I could hand over to Mr. Rennie to go through introductions again.

00:02:01:21 - 00:02:06:02

Good morning. Am Mr. Rennie also appointed as member of this examining authority.

00:02:08:10 - 00:02:12:16

Good morning. Mr. McArthur also appointed as a member of this examining authority.

00:02:14:18 - 00:02:16:14

Good morning. I'm Mr. Wallace.

00:02:16:16 - 00:02:20:02

I'm also going to turn your microphone on, please.

00:02:21:10 - 00:02:22:01

It is on.

00:02:22:14 - 00:02:24:00

Okay. Yeah, it's fine now.

00:02:24:06 - 00:02:29:12

Yeah. Okay. Good morning. Mr. Wallace. Also appointed as a member of this examining authority.

00:02:31:22 - 00:03:03:18

Thank you very much. I can confirm that all examining authority members have made a declaration of interest responding to the planning inspectorate's conflict of interest policy, and none of us have declared interest in relation to this appointment. Also present today are members of the case team. Case manager is Miss Louise Haraway. Miss Haraway is supported by Miss Harper and Miss Phoebe Challis. If you have any questions or concerns about today's event, please contact a member of the case team.

00:03:05:06 - 00:03:35:29

Uh, the audiovisual service today is provided by a team led by Mr. Stuart Avis. That's the team on our end. Turning to attendees. First of all, I want to acknowledge and welcome those who are joining us by live stream. Welcome and thank you for joining us. Um, we'll start with instructions from attendees. I'll read out the list of teams and if everyone present from that team could introduce them, introduce them, introduce themselves in turn, that'd be great.

00:03:36:01 - 00:03:54:12

So my running order today will be the applicant. Uh, the team from National Highways. Uh, Ardent Management representing Mr. Clive Highsmith, Mr. Paul Middleton and Priory Holdings. Uh, Jane Kenney and Mr. Christopher Bond.

00:03:56:00 - 00:03:58:03

If I could start with the applicant, please.

00:03:59:15 - 00:04:03:12

Good morning, madame. Julian Boswell of Burgess Salmon.

00:04:04:28 - 00:04:11:10

Representing the applicant. Various members of our team to my left who will introduce themselves in turn.

00:04:14:27 - 00:04:18:11

Good morning. Laura Salmon for the applicant.

00:04:20:27 - 00:04:24:02

Good morning Sarah Chandler development and consents manager at Equinor.

00:04:26:27 - 00:04:30:20

Good morning. Sherry Atkins, onshore consents manager at Equinor.

00:04:33:08 - 00:04:39:03

Good morning. I'm Sam Taylor and transport planner for Ross County and I'm representing the applicant.

00:04:41:07 - 00:04:48:19

Good morning. I'm Ellen Shields. I'm onshore technical director from Royal has gone in and I'm representing the applicant.

00:04:50:18 - 00:05:03:14

Maddie could just add one note that we will we will need to be changing over members of the sitting up at the table at each agenda item. So if we're going to take the time to do that and then introduce as we go.

00:05:03:17 - 00:05:11:19

We'll take introductions when they get up to the table. Okay? Thank you. Um, National Highways, please. The team from national Highways.

00:05:13:27 - 00:05:16:13

This is some schlock from national highways.

00:05:19:24 - 00:05:23:10

Mr. Hucker, are there any other members of your team that you'd like to introduce?

00:05:23:23 - 00:05:28:10

Well, we have, um. Andrew, could you please introduce yourself?

00:05:31:17 - 00:05:40:25

I'm Andrew Rosenman, project manager for third party works on the national highways. Thank you.

00:05:41:07 - 00:05:56:18

Thank you. Thank you, Mr. Rosamond, you were very clear, but we didn't have any video from your end. So when you're speaking, it would be helpful. Great. Thank you. All right. Um, is that all from National Highways?

00:05:57:14 - 00:05:59:22

Uh, yes, please. We have two.

00:05:59:24 - 00:06:00:09

Person,

00:06:01:25 - 00:06:07:27

um, on management, uh, and any of your clients that might be here.

00:06:08:16 - 00:06:10:20

Hello? Mark Warner, Ardent Management.

00:06:13:09 - 00:06:20:04

Oh five. Hey, Smith. I'm representing all Middleton and Priory Holdings. I'm a farmer.

00:06:21:27 - 00:06:24:28

Welcome to you both. Ms.. Jane Kenny.

00:06:29:26 - 00:06:42:15

Okay. Miss Kenny is going to join us after the break. Mr. Christopher Bond. What? Okay. Um. Is there anybody else here who hasn't introduced themselves and would like to.

00:06:45:29 - 00:07:19:04

Okay, good. So that's all with introductions. And as new people join, Make me Aware and we'll take introductions. Then we'll move on to agenda item two. Um, a few points here to set out the procedure for running the hearing today. I appreciate that attendees who attended the hearing yesterday have heard me say some of this information, but I do ask everyone, bear with me. I must repeat this for the benefit of attendees who read the join today and for the recordings. Um, just a few words to acknowledge the format of the event.

00:07:19:06 - 00:07:50:02

This is a blended event. It allows attendance both in person and virtually through Microsoft teams. It is expected that both blended and fully virtual events will form part of the planning inspector's future operating model. Um. We, the examining authority are attending this meeting from Norwich. Um, one member of the examining authority is attending virtually. Um, for those attending virtually, please be rest assured that you have our full attention at all times, even if you're not looking at the camera.

00:07:50:09 - 00:07:56:24

Um, to avoid visual and noise distraction, please keep your cameras and microphones off unless we invite you to speak.

00:07:58:21 - 00:08:28:06

The second point is about the proposed timings of the day. We'll take about a 15 minute break at approximately 11:30 a.m. and we aim to finish around 130, 1:15 p.m., but we will keep this under review. These timings are approximate and if you're joining only for a particular agenda item, we recommend that you join at the start of the session that the agenda item is in. You can keep in touch with the case team who can tell you if Sessions are running a few minutes late.

00:08:30:12 - 00:08:44:22

Attendees a few for virtual attendees. If you decide to leave the meeting during the breaks, then you can rejoin using the same link provided in your invitation email. If you're watching the live stream, please refresh the browser to resume each subsequent session.

00:08:47:10 - 00:09:29:09

The third point is about, um. It's just to make you aware that this event is both being live streamed and recorded. The digital recording that we make are retained and published. They form a public record that can contain your personal information and to which general data protection regulation or GDPR applies. Planning inspector's practice is to retain and publish recordings for a period of five years from the Secretary of State's decision on the draft on the development consent order. Consequently, if you participate in today's hearing, it's important that you understand that you will be recorded and that you therefore consent to the retention and publication of the digital recording.

00:09:29:22 - 00:09:55:13

It is very unlikely that the examining authority will ask you to put sensitive personal information into the public domain. Indeed, we would encourage you not to do that. However, if for some reason you feel that it is necessary for you to refer to sensitive personal information, we would encourage you to speak to a member of the case team in the first instance, and we will then explore with you whether the information could be provided in written format, which could then be redacted before publication.

00:09:58:18 - 00:10:18:01

The fourth purpose. The fourth point is about the substantive matter of today's hearing itself. This is the second compulsory acquisition hearing. The agenda for this hearing was published on the Planning Inspectorate National Infrastructure Project webpage on Tuesday the 13th of June. Those are the only matters for discussion today.

00:10:19:23 - 00:10:43:10

Deadline six was on 20th of June, which was Tuesday this week. The submissions will be published either today or tomorrow. As such, for fairness, we are not referring to any deadline six documents in our agenda. However, all attendees are free to include in their oral representation any evidence that is included in their deadline. Six submissions.

00:10:44:27 - 00:10:59:13

Uh, it is a full agenda. Mr. Manning and I will keep progress under review, and we may request certain aspects to be held over and addressed as part of your responses to the fourth round of written questions, which will be issued on the 29th of June 2023.

00:11:02:12 - 00:11:28:26

The fifth and final point is regarding posturing actions should they arise. During the this hearing, Mr. MacArthur will be noting hearing actions as they emerge at the close of the meeting. We will we intend to go through the entire list of hearing actions which will then be issued as soon as practicable. The assumption is that the Post hearing actions will be expected at the next deadline. In this case, deadline seven, Monday, the 10th of July 2023.

00:11:32:19 - 00:11:42:21

The examining authority may place many or all of the post hearing actions in written questions if it is felt that would be appropriate and to avoid duplication.

00:11:45:20 - 00:11:49:14

If there are any questions to the points that I've just made, please raise your hand.

00:11:52:22 - 00:11:58:10

Okay. I don't see any hands. We'll turn to agenda item three and I'll hand over to Mr. Manning.

00:11:59:23 - 00:12:07:26

Okay. Thank you very much. Okay. As we've just said, agenda item three relates to development scenarios. I'm quite loud.

00:12:09:21 - 00:12:58:12

Bit away a little bit. Hopefully that's a bit better. Okay. So they launched into the first question. Examining authority are concerned that generation figures set out in annex ten of the transport assessment does not take into account a scenario where there could be an overlap of construction of Sep and DEP being built in isolation with some sort of overlap, i.e. scenarios one, C and one D. Um, the document, um, Annex ten, which is page two of the annex or page one, sorry, 611 of the actual overall document sets out that the figures are based on a tandem project installation.

00:12:59:07 - 00:13:08:21

Um. So the first question really for the applicant, please, is what is meant by that and does ultimately mean that they would be structured together at the same time.

00:13:12:20 - 00:13:24:09

So Julian Boswell for the applicant. Would it be okay if I just said a couple of things before we get on to the detailed questions? I suppose, as a team where we are.

00:13:26:08 - 00:14:06:23

We feel we've answered a lot of questions in this sort of space and we weren't really expecting there to be further questions. And what we keep asking ourselves is what are we what are we missing? It seems to be that we're not satisfying you, even though we feel we've given you full answers to date.

So we'll obviously answer the questions that you've got, but it would be really helpful whether at the beginning or at the end of this sort of slot. If you could sort of give us a as honest and candid an explanation of whether we have satisfied you or not, because we're keen to put this one to bed from our perspective, the scenarios that that seem to be.

00:14:08:23 - 00:14:38:25

The focus have been consented multiple times on other projects. Appreciate There are some aspects of our scenarios which are new, but the ones that seem to be of concern are not new. And we also can't help noticing that the local planning authorities and the local highway authorities don't seem to be sort of concerned about about these issues. So we're keen to to put this to bed, if we possibly can, before the end of before the end of the examination. So just wanted to to to say those before I pass to Mrs.

00:14:38:27 - 00:14:41:09

Shields to, to deal with the specific questions.

00:14:41:23 - 00:14:54:02

But that's absolutely fine. And it's I think today we have some much more detailed questions in terms of the transport generation figures and subject to the answers to those. We'll see where we get to. Thank you.

00:14:56:18 - 00:15:30:00

I'm Sam Tyler on behalf of the applicant. Suppose I can start by clarifying that, um. The term tandem was used by Murphy to derive the construction traffic demand early in the in their sort of derivation of those numbers. And it is interchangeable with um. With the concurrence. So. So it is referring to scenario 1D. It's just a different way of referring to the same thing. It's just a murphy's refer to it when they derive those numbers early in that process.

00:15:30:21 - 00:15:34:08

Sorry, I'm struggling to just hear the end bit of that because you just repeat.

00:15:35:16 - 00:15:45:21

Um, it's. Yeah. So it's just how Murphy's referred to the concurrent scenario when they were deriving the traffic numbers. So Tandem is interchangeable with concurrent.

00:15:47:05 - 00:16:15:19

Okay, that's fine. But but what I'm trying to establish is there's two there's two sort of slightly different versions of concurrent, isn't there? There's the concurrent where is basically constructed together by one work crew or one team of work crews. And there's the potential for two isolations to overlap where presumably there would be two work, separate work crews. What I'm trying to establish is which one of those? Is it based on?

00:16:17:18 - 00:16:22:05

Yep. Thank you for the clarification. The Annex.

00:16:23:26 - 00:16:28:15

Ten of the transport settlement is the concurrent scenarios. That is one day.

00:16:43:07 - 00:16:50:07

Okay, we can turn to table five of the transport assessment, which is AP 268.

00:16:52:20 - 00:17:25:27

And this sets out peak daily vehicle trips per activity. And for both in isolation and concurrent construction scenarios. Are taking the examples of installation of ducting and cables. Figures in each.

In the installation and concurrent construction scenarios are the same. But does this not show that both trip generation forecasts assume that there would have to be one work constructing them to them either in isolation, i.e.

00:17:25:29 - 00:17:31:20

scenario one, A or B, or installing both at the same time. Scenario four.

00:17:37:27 - 00:18:14:05

So on behalf of the. On behalf of the applicant, the the assessment is has looked at two scenarios the scenario of CIP and debt built in isolation and the other scenario, seven debt being built concurrent. The the traffic numbers have been provided by Murphy's who are contractor and therefore, it reflects how a contractor would deliver the projects. In all scenarios, the concurrent total number of vehicle movements to construct the concurrent scenario is higher.

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That's can be.

00:18:19:24 - 00:18:24:28

Can be disaggregated from Annex nine and ten of the transport assessment, which is up to six nine.

00:18:27:08 - 00:18:34:10

Um the difference relate in the in general traffic numbers are 21% higher. So there is

00:18:36:01 - 00:18:47:18

more traffic required to build the concurrent scenario than the isolation scenario. And that's evident through. An eight, nine. Ten. 11. Of the transport assessment.

00:18:49:08 - 00:19:30:09

The. But when the the traffic assessment is based upon the peak number of daily movements rather than the total traffic movements. So to go from a total traffic movement to a peak traffic movement, it requires an application of a program. Maybe if I give an example of a section of the cable route that might sort of help clarify matters. So just picking Section five, for example, there are 248 more HGVs required to build that section in the concurrence and then the isolation scenario.

00:19:30:11 - 00:20:06:29

So more we need more. So it is approximately 18%. When you look at the daily number of vehicle movements to build that section, they're there the same. And that just reflects that it takes longer. So the activity resourcing for that section. Takes three weeks longer so there's 27 HGVs for and debt and 27 HGVs for seven dead in isolation so it reflects um. The activity programming that's been applied by the contractor and includes things like welfare provision, parking.

00:20:07:01 - 00:20:28:00

So it's just extending those deliveries and those works over a longer period. And I think it's just really important to come back to this is this information has been provided by by Murphy's and reflects how they would build a project. So they've been given that information. That's how they would. So we are confident that those numbers are correct and robust.

00:20:28:15 - 00:21:01:25

I think the examining authority's concerned is quite what the contractor has assumed. Because ultimately, if you look at table five of the transport assessment. The fact that the local the light vehicle numbers are the same for in isolation or concurrent. Which suggests to us that actually they assume that the projects are being built together at one time and examining authority, a concern that if there was going to be an overlap of two in isolation scenarios, the figures would have to be higher.

00:21:03:13 - 00:21:09:03

Given underpin the rest of the modelling. That's where the examining authority's concern lies.

00:21:12:16 - 00:21:41:04

Sometimes on behalf of the applicant, they will come back to those numbers. But the fundamental position is that there is more traffic required to build the projects concurrently than in isolation. And it works for the program. Those numbers have been provided by Murphy's and they are then controlled through the construction traffic management plan. The. These reflect the numbers in here reflect the number of.

00:21:43:06 - 00:22:11:12

Number of workers to do a to mobilize a compound or install an access. But when you get into the detail of Annex eight nine, we sort of apply more. And double up those gangs. So it may be that those gangs work for longer or you have to have more. You have two gangs. So these are just a snapshot, if you like. Um, and there's further detail provided in Annex eight and nine.

00:22:19:13 - 00:22:33:27

Okay, So, so, so from what I understand is the applicant saying it's really Annex eight nine where the raw figures are then adapted to the scenarios. Is that in a very quick nutshell, what you're saying?

00:22:35:05 - 00:23:14:04

Um, sometimes on behalf of that. That's. Yeah, correct. There is, um, within Annex eight, nine, ten, 11. There is obviously a lot of detail in terms of how, how these numbers have been derived and it runs into hundreds of pages. Um, so we've tried to sort of disaggregate and provide you with the example which I provided earlier in terms of. But there are more. There are more employees, there are more HDTVs required to build the concurrent than the isolation scenario, which is that they are then when you apply resource resourcing, they are just spread over a longer duration and think.

00:23:15:26 - 00:23:48:11

You just again clarify that? There's the concurrent scenario assumes that the two projects are built at the same time, whereas the isolation scenario. Assumes that one project is built in isolation and then a second project is built after that. And therefore the sequential scenario sits somewhere between those those two bounds and therefore for the purpose of proportionality. We have looked at the two bounds and ultimately the controls set within the construction traffic management plan.

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So we have made a firm commitment to control the traffic movements within within those caps.

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Okay. Mean what we were seeking at the last round of written questions was a detailed explanation using the annexes in the transport assessment to ultimately demonstrate that, you know, the potential overlap where you would have two separate working crews at the same time are taken into account. And unfortunately, we do not receive that as part of the written questions. So that's why we're taking it up again here today. And I think to be completely satisfied, we need an explanation with figures which logically explain that that scenario has actually been modeled.

00:24:31:08 - 00:24:47:23

Because you say as things stand and based on the figures in the transport settlement and the annexes, we remain very much concerned that it's actually the concurrent scenario four that's been modelled. And we're going to need that level of detail to be able to come to a final view.

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Sometimes on behalf of the applicant that yeah we we have it's fair to that we have modeled the concurrent scenario. This concurrent scenario remains the worst scenario for the project where the two projects are built at the same time. We've also then modeled the isolation where the project is built in isolation. Um, we're happy to provide further clarification in terms of sort of the numbers I've read out and which will show that for each section the total number of traffic movements is higher for each section.

00:25:25:26 - 00:25:56:00

And for the isolation in the concurrent scenario. But when you look at a daily number that those numbers aren't there isn't that high distinction because that just reflects the activity programming being applied by a contract. And again, I'll come back to it that they are provided by a contract and that is how they would build it. And they have expertise in providing these projects. That is, we feel that those numbers are robust and.

00:25:57:26 - 00:26:20:09

Okay, that's fine. The purity the simple point is, is that given the figures for both a largely very similar in table five, it seems to suggest that the concurrent scenario assumes there would be one workforce which simply wouldn't be possible if they came in isolation but overlapped because one could start a year or two before the other.

00:26:25:00 - 00:26:27:24

And the figures just don't make sense to the examining authority at the moment.

00:27:08:21 - 00:27:40:15

Someday I'll be healthy. And. Thank you for the clarification. Think we now better understand where the examining authority concerns lie and we can come back with clarification on this and, um, and sort of explain, explain that further. But we would just reiterate that the concurrent scenario represents the peak impact and the peak and.

00:27:42:04 - 00:27:47:03

And the isolation and therefore the sequential sets between the isolation and the concurrent.

00:27:52:04 - 00:28:29:18

So I'm not sure I'd follow that insofar that if the concurrent was being built together, there would be one workforce. I think what we're concerned about is that the fact that there could be two workforces working along the route at the same time hasn't been taken into account. And that's really where the concern lies. And the other example I was going to use was table five, was that the only significant difference in figures is the onshore substation infrastructure works. And again, it's scenario four, where there would be, you know, a bigger substation for both builds.

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So again, I believe that's an indication that it's actually scenario for the concurrent scenario has been based on.

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And again, you know, if you could include an explanation of that as well.

00:29:03:17 - 00:29:39:08

Okay. This let's move on to a point raised in response to the written question that we posed in question three on this. And I think the applicant's point was ultimately that there's a maximum figure of traffic that can go on each link and that would be controlled through the construction traffic management plan. And therefore, ultimately, I think maybe there was a suggestion that even if the assumption is that the concurrent scenario is that they would be built together at the same time.

00:29:39:10 - 00:30:21:27

And that's what's filtered into the modeling. Actually, that level of traffic on those links has had been assessed and it would be controlled, you know, in relation to to that. And therefore the Yes would have assessed that worst case. So really I'd just like to explore really the the logistics of how that would work and whether it will probably be a question that will ask the County Council through the next written questions is they're not here about whether it's actually feasible to enforce those limits on such a wide, you know, tractable study area of over 140 links and whether that's actually a feasible possibility.

00:30:25:10 - 00:30:37:10

Sam Taylor on behalf of the applicant. Um, it's guess it's a it comes down to how the project is not the projects are built out and perhaps if I.

00:30:39:27 - 00:31:18:01

Provide some narrative in terms of how or how we kind of see that being managed. But equally, it's an outline construction traffic management plan. Um, so it will be developed post consent. Um, so again, we've tried to provide an outline of how that would work, but equally there are, there are different ways in which, which it could be done, but for, for other projects, the way it would work where it works is that bought a section or an access, um, the contractor would, would set a limit on the number of deliveries e.g.

00:31:18:04 - 00:31:48:19

HGVs that could go to that access per day. And, and then if you look at, um, take an example link six feeds sections one and eight of the, of the cable route. So for um, for those accesses associated with one and six, the, the combined traffic obviously couldn't exceed that cap. So they would then feed back into the number of deliveries that could go to and access the.

00:31:49:14 - 00:32:25:00

The construction track outline. Construction Traffic management plan requires the appointment of a construction traffic management plan coordinator, and their one of their roles would be to forecast the number of deliveries um to, to the project. And that's normally done through a so that delivery management system. So the contracts have system says this is the number of deliveries that can go to each access and therefore when you add those together that would provide a an indication of the number of deliveries on each of the links sort of feeding out from that.

00:32:26:03 - 00:32:26:18

Um.

00:32:28:12 - 00:32:51:09

Okay. In the event that the there was two built in isolation with an overlap, um would there have to be two coordinators I've seen there would be because one would come significantly before the other potentially. And how would that logistically work and how would you decide what vehicles could use? What if one was significantly through the construction period and one was just starting?

00:32:54:11 - 00:33:01:25

Sam Taylor on behalf of the applicant. Um, I guess it's a it's a very theoretical question in terms of.

00:33:03:27 - 00:33:31:05

There is a if the two projects are being built concurrently, then there is shared infrastructure. Um, and there would be, um. We'd envisage there being at one one construction traffic management plan with a traffic one construction traffic management plan coordinator. In the event that they're not concurrent, it's likely that it would be two MPs. Um.

00:33:33:04 - 00:33:39:19

The there is requirement 33 of the draft that requires collaboration between

00:33:41:19 - 00:34:13:23

Sal and Del. So that would again we the way I visited working is that the project comes first would submit a TMP to so let's say cell comes first to Dell to to um to review that. Um and that would include a requirement obviously coordinate on deliveries if there were to be to be an overlap and in a similar way to to sort of discuss previously with other developers.

00:34:14:08 - 00:34:14:25

But

00:34:16:26 - 00:34:46:22

it would be a it would need to be a collaborative process rather than an arbitrary splitting of of targets because it would reflect the linear nature of a project and that need to coordinate. So in that eventuality would see, I would see that there would be two attempts each, each of which would have their own construction traffic management plan coordinator, and they would be required to coordinate to make sure that those.

00:34:48:18 - 00:34:51:27

Those targets within the construction traffic management plan are not exceeded.

00:34:55:25 - 00:35:35:15

Okay. So I think, you know, concern relates to the previous point really, that if one development was was. Active being actively being constructed with the traffic, you know, anticipated to be generated in the in isolation scenario if another one was to come along, given the figures aren't particularly significantly different. Yes, they are higher in the concurrent because if they're being installed together, they've got more materials, more ducting, more cable to lay actually. Is there enough wriggle room there for a whole second construction team with everything that entails in terms of workforce workers like vehicles actually to feasibly be able to be constructed?

00:35:37:24 - 00:36:08:22

Sense behalf of the applicant. Think again. It's really important to emphasize that the traffic assessment is based upon the peak number of traffic movements. It's not based upon the averages. So within those peaks, there is obviously significant difference between the peak and the average. And equally there are contingencies applied to the traffic numbers. So. Um, there is flexibility within that to allow.

00:36:08:24 - 00:36:16:06

I guess the scenario you're talking about where you um, because they are based upon a peak, not upon an average.

00:36:18:05 - 00:36:25:04

But he would come back to its it would be a collaborative process between the two contractors to work together to.

00:36:26:29 - 00:36:29:28

Understand how those deliveries would be managed.

00:36:32:11 - 00:36:49:08

And that's. That's sort of how again how we see that that working but don't envisage there being a significant overlap between Rcep and App. It would be obviously if there were to be any overlap, it would be a short duration.

00:37:00:13 - 00:37:39:01

Okay. Thank you for that. Um. She's on a slightly sort of side point, given that the maximum figures per link in the outline construction traffic management plan. As you pointed out, it's not a final version. Um, should should there be an additional requirement in the draft DCO that sets out that ultimately the figures in annex of the Construction traffic management plan should not be exceeded in the event that scenario one C or one D, 11D, um, did come forward.

00:37:41:05 - 00:37:49:02

But that ensured that ultimately, sorry, the environmental statement had ultimately assessed a worst case and that would be controlled.

00:37:50:25 - 00:38:21:00

Sam Taylor on behalf of the applicant. The the numbers in the construction traffic management plan are an absolute requirement so they would not be exceeded. And that's that is stated and set out within the construction traffic management plan and it sets out how that would be monitored and enforced. Um, I think it's also, you know, worth again, reiterating that there is a cooperation agreement between the two parties which require will require cooperation on those matters.

00:38:21:03 - 00:38:21:19

But.

00:38:23:20 - 00:38:24:21

Okay. Thank you.

00:38:24:28 - 00:38:29:16

Probably just add that we did add in a collaboration requirement as well.

00:38:30:08 - 00:38:33:28

Yes. Yeah. In the latest revised. Thank you. Did see that one. Thank you.

00:38:36:10 - 00:38:47:23

Okay, maybe just putting the applicant on the spot in terms of a theoretical position. If our concerns proved to be correct, what implications would that have in your view?

00:38:52:14 - 00:39:06:20

Sam Taylor on behalf of the applicant, we are confident that the the traffic numbers presented are are robust and that there is a audit trail that shows that there are the concurrent scenario.

00:39:07:29 - 00:39:08:14

Um.

00:39:08:29 - 00:39:37:25

Results in more traffic movements than the isolation scenario and the control. And again, reiterate that the controls sit within the construction traffic management plan which would control the number of vehicle movements on any link. And there that and. And therefore we don't believe is need for any other controls above, over and above. What's what's within that existing construction traffic management plan, which has details of how that would be monitored and enforced.

00:39:40:11 - 00:39:41:24

Okay. Thank you for that.

00:39:47:06 - 00:39:56:18

Okay. In terms of agenda items two and three. I don't have any further questions following the written replies to written question three.

00:39:58:22 - 00:40:00:22

So it's challenging to jump in.

00:40:00:24 - 00:40:17:21

Yes, there are times of the applicant. Think just going back to the point that Mr. Boswell made at the beginning, I think we have understood now the sort of real nuance of the area that you're still concerned about. We are really, really keen to close this out. And just to add to what Mr. Taylor said.

00:40:19:09 - 00:40:46:29

A lot of thinking has gone into the preparation of this. Particularly in light of the scenarios and won't rehearse and how much we've sort of gone over that previously. I think if you're minded to put some additional questions into the fourth written questions, it would be helpful for us for those to be as absolutely clear and explicit in terms of what you're looking for as possible, just so that we can make sure we are absolutely responding to the points made today.

00:40:48:05 - 00:41:04:20

Absolutely thought our previous questions were fairly clear. But we'll certainly do our best to do that. And I can assure you it's we're looking to close the issue down as well as much as you are. So yeah, so the information that we need would be much appreciated at the next deadline. Thank you.

00:41:09:04 - 00:41:20:06

Okay, as said, items two and three and item agenda item three say no further questions following the helpful written replies. So thank you for that.

00:41:21:29 - 00:41:24:27

So if we could just take a moment to swap the members of our team over.

00:41:25:05 - 00:41:26:17

Absolutely. Thank you very much.

00:41:39:21 - 00:41:46:22

Okay. I will move on to agenda item three four. And my question is with.

00:41:56:25 - 00:42:41:09

Sorry. It is me still for the start of item number four. So the first agenda item is what are the implications of the misalignment between Access a 46 and the A47 Home Improvement scheme for the examination and for the delivery of the proposed development? Um, the applicant in relation to the last round of written questions. Reference rep 5049 set out that to overcome this matter it would either need to secure post consent under the Town and Country Planning Act or secure a variation to the to accommodate any modifications that may be required to that access.

00:42:42:04 - 00:42:50:24

Um, could I just maybe just explore with the applicant what level of delay that could lead to in terms of the delivery of, of the project?

00:43:03:12 - 00:43:18:05

Um, Sherri Atkins for the applicant. At the moment, we are not envisaging any delay. We're looking at, um, what, um, what that impact would do to the programme. Um, and um, um.

00:43:20:06 - 00:43:24:11

Updating the program on that basis. So at the minute, we're not envisaging that this would cause a delay.

00:43:26:17 - 00:44:03:10

Laura Fuller for the applicant probably should just add just to sort of take a little step back and I know we did provide, as you referenced, there are response to in question 3.23 .5.3. But it's worth pointing out that any issue with the misalignment does only arise in the event the A47 scheme does go ahead. So based on the existing layout of the A47, we would not be using access 46. In any event, that is only required if the A47 scheme is constructed and that road is realigned there.

00:44:03:13 - 00:44:36:27

If if we are constructing and the road has not been realigned, then we would be using a 47 for the access for the construction access. So obviously in those terms there wouldn't be any impact on the programme in that if the layout remains as it is for the A40 seven. Obviously we've acknowledged that in the event that the A47 scheme does come forward. And just to remind everyone that that is subject to judicial review at the moment.

00:44:36:29 - 00:45:37:04

So there is still some uncertainty surrounding that and the exact programming and timescales for that. But if it does come forward, then we've obviously acknowledged that there is that misalignment and are very confident that that can be resolved post consent. And it's not an unusual situation. Post consent for variations such as these to come forward. Obviously everyone does everything they can to avoid those, but this is this is actually a fairly common occurrence where particularly in relation to works that are associated development, where there may need to be a change to the design to accommodate either another scheme or potentially a landowner requirement, for example, and that it is fairly common for that to happen through post consent processes through the town and country Planning Act, but also with the option that you might seek to secure that through a variation to the DCO, which is obviously, as we've set out in response to that question.

00:45:41:16 - 00:46:15:02

Just to sort of provide some reassurance because I know that some of the questions will also lead into this. We are obviously doing everything we can to actively manage and progress redesign of access 47 and 46 sorry at the moment to manage those potential risks through our ongoing engagement with both national highways and AusAID and are progressing cooperation agreements and discussing heads of terms which will, you know, involve our commitments to.

00:46:16:19 - 00:46:23:15

Seeking their views on the redesign, which is which is currently in progress but is not yet complete.

00:46:25:26 - 00:46:59:00

Um, it also provides an opportunity to actually work with national highways in relation to some of their other concerns that they have raised in relation to 46. So as you'll appreciate, there is the misalignment where the two roads would tie in together, but they have also raised concerns around an interaction with their fence line in that area along the southern boundary of the build. So the redesign obviously allows us to work with them to resolve those issues.

00:47:02:16 - 00:47:04:29

So those overlaps between the two schemes.

00:47:07:03 - 00:47:23:00

And lastly, in terms of the the existing landowner in that field, it's probably worth noting that we already have agreed heads of terms. So as we've said, we anticipate being able to secure voluntary. Voluntarily the any land rights that might be required there.

00:47:26:20 - 00:47:31:18

Okay. Thank you. Obviously, the gentleman authorities are mindful that the

00:47:33:22 - 00:47:58:20

obviously there is a legal challenge, but ultimately it does still stand as things are. And national highways have set out in their representations that they do intend to plough on with the improvement scheme. Do you just coming back to the point slightly earlier about how the program could be adjusted to take into account the delays to actually overall, there wouldn't be any overall delay in time of timescales? How would that work?

00:48:02:02 - 00:48:36:18

So at the moment, we're looking at the at the alignment of that access. And our access, as Ms.. Fuller has just said, we're looking at the other queries raised by national highways and seeing if we can resolve those queries as part of this redesign. The process would be then that we would liaise with national highways to ensure that they're comfortable and content with any redesign proposals that we have put forward. And we'd take we'd start discussions with regulators, local councils and so on.

00:48:36:20 - 00:49:00:22

From then in terms of the process by which we seek the authorisation. As Ms.. Fuller has said, that it could be via the it could be via an amendment to the it could be via a TCP. And we will review what the most appropriate authorisation process is once we've concluded that redesign and redesign process as well.

00:49:02:00 - 00:49:35:19

Okay. Thank you. I was probably thinking more in terms of how the the overall delivery in terms of timescales, how you could sort of dovetail any requirement for a variation or a planning permission under the Town and Country Planning Act to ensure that ultimately there was no delay in terms of putting a spade in the ground for the first time. Could you do, say, planning application for consent or start immediately to ensure that actually by the time you were looking to construct the development, it was there and ready to go in advance?

00:49:36:09 - 00:49:54:03

Yes. Well, we're doing the redesign at the moment, so that's ongoing in terms of when we actually need to access that land. As Mr. Fuller has said, we won't need to access that land until after the A47 scheme has been built because we would only need that access.

00:49:55:21 - 00:50:00:20

In the event that the A47 scheme comes forward. So it's not it's not a critical.

00:50:01:15 - 00:50:07:02

Okay. So you could start in other areas of the cable corridor and then come on to that later date. Exactly.

00:50:08:12 - 00:50:21:13

William Bosworth, the applicant. Think the other point is that this is a temporary construction access. And so in planning terms, it's obviously not controversial if we're just putting it in a slightly different place. And so we.

00:50:23:13 - 00:50:39:00

Certainly proceeding on the assumption that that is a straightforward, consenting process. And we've obviously got a good overall relationship with planning authorities who understand our scheme and I'm sure understands the A47 scheme as well.

00:50:44:10 - 00:50:59:15

Okay. Thank you. Come on. To related matter. Um, there's been quite a lot of correspondence between the applicant and national highways in terms of cooperation agreements. Um, so that's just a couple of aspects of that I'd like to explore, please. Um.

00:51:01:29 - 00:51:34:18

Maybe we could bring in national highways at this point. Just so the examining authority can understand how that sort of sits alongside potential protective provisions in the and ultimately whether in the absence of a cooperation agreement. Um, are national highways saying that there could be significant impacts on the strategic road network in terms of highway safety from a more technical perspective? Um, so maybe if we could come to Mr.

00:51:34:20 - 00:51:37:10

Hockey, if you could jump in on that question please.

00:51:39:00 - 00:52:17:02

A chemtrail hug from national highways. I'm not a legal expert. Our two sets of legal councils are working with e-commerce equivalent legal teams and we are trying to, as we understand there are in terms of cooperation agreement, there might be an side agreement. We are in discussion which am not sure whether we have reached that one yet because we we are waiting for that. We will be submitting our opinion or these things before deadline seven or on December 7th.

00:52:19:13 - 00:52:32:13

Because I'm just trying to add anything which is not covered up with the protective provision and cooperation agreement that might be required with the side agreement, as we have done with the other projects in that area.

00:52:35:04 - 00:53:33:00

Okay. Thank you. I think ultimately the Yemeni authorities concern is that there may be mitigation being relied upon, which would form part of the cooperation agreement rather than something within either the draft or the construction traffic management plan. And ultimately, what weight the examining authority could give to the agreement, given it wouldn't be before the examination and potentially wouldn't be signed in any event before the close of it. So it's just, again, trying to understand really from national highways, you know, is that a critical element or are you actually happy that the draft and the contract construction traffic management plan from a technical highways perspective rather than in terms of compulsory acquisition or rights of land, um, is actually sufficient to address your concern and ensure that there wouldn't be any unacceptable impacts on the highway.

00:53:33:03 - 00:53:34:18

Strategic Highway Network.

00:53:35:07 - 00:54:26:10

Um, yes, there are always there is a risk because the construction time will start around two years after from our finishing this one, as we understand the current programs. But this construction program might change. So that is a risk for everybody we have to accept because we don't know what will happen next two years. And in terms of the any slippage or anything during the construction time, we are trying to check anything. So we have requested a revision of the outline construction traffic management plan so that there is a cooperation monitoring group seated by the applicant chaired by

them and they will report us and any things we we see or they monitor, it is not working and if it needs adjustment, then definitely will come.

00:54:26:12 - 00:54:53:11

And from recent weeks we are actually sharing loss of our documents with the applicant to our from our major projects team, from national highways and with the applicant side. So that is a very positive approach. We we see recent time frame, so that is very helpful and we are hopefully it will be okay to proceed if this continued.

00:55:00:10 - 00:55:10:04

And if I may introduce my Andrew Rosenman, who are the delivery side. So if he can add anything, if I miss something.

00:55:11:21 - 00:55:12:14

Okay. Thank you.

00:55:28:23 - 00:55:51:18

I'm sure he's there. Maybe not. I can see him on the screen, but maybe he's left his desk for a second. Um, well, maybe we wait for your colleague. Maybe I should just ask the applicant about your thoughts on the cooperation agreement. And what potential. Wait. The examining authority could give to that if it was required to overcome some of national highways concerns?

00:55:53:25 - 00:56:30:20

But Laura Feller for the applicant. I appreciate you won't have seen our deadline sixth submission, which does respond on these points around the provisions and the cooperation agreement. So and you also won't have seen that we have actually updated the protective provisions in the at part 14 for national highways. The reasoning behind this is because they now properly reflect the actual form of protective provisions that we are in discussion and continuing to be in discussion with national highways about.

00:56:31:08 - 00:57:17:00

And a key part of that update is that those protective provisions provide now significant protection for both the Strategic Road Network and the A47 and Tottenham scheme. But that is acknowledged in the protected provisions. So. I'll let you read that response, which will explain those protections. But just in a in a summary terms, that requires various approval processes in relation to what are considered the specified works, which are works that would be in on over or under the strategic road network and works that would be in on, under or over the a47 or the land.

00:57:18:16 - 00:57:48:21

A. That requires us to seek to to share our designs and share information and meet national highways requirements in relation to the provision of information and the information that they need to approve those specified works. It also provides in relation to that approvals process, restrictions in relation to exercising compulsory acquisition powers which would sit alongside that, including temporary possession powers.

00:57:49:12 - 00:58:07:21

So from our point of view, those protected provisions provide significant and adequate protections. The purpose of the cooperation agreement is to manage the ongoing relationship. It's in effect a sort of supplement to.

00:58:09:09 - 00:58:42:06

Provide for the cooperation and just explore the things that we can do in more detail in terms of sort of commercial terms. But it's they don't that the protective provisions are where their protections will

lie, so to speak, that the cooperation agreement is something that we are keen to progress because we are absolutely recognise the need to manage the interactions with national highways and their scheme and are obviously keen to progress it on that basis and.

00:58:43:01 - 00:58:58:00

And as we've already acknowledged, part of that is managing the, you know, agreeing and working with them in relation to the redesign for the misalignment. Well, why the provisions on that will be captured in the cooperation agreement.

00:59:01:12 - 00:59:16:23

Just picking up on the points about the TMP. So at deadline five, that was amended and has added wording in around the monitoring group as referenced there by Mr. Hogue.

00:59:20:05 - 00:59:26:18

And a statement of common Ground at 19 confirms the position on this

00:59:28:09 - 00:59:30:06

and confirms that the.

00:59:32:21 - 00:59:39:16

But hang on a second. I've got a note here that I'm trying to read, and it might actually just be better for Mrs. Sherry to.

00:59:41:09 - 00:59:42:05

The problem is that.

00:59:42:21 - 01:00:06:28

To address that point for you. Thank you. Apologies. My handwriting is terrible. Sherry Atkins for the applicant at deadline five, we submitted an updated version of the statement of Common Ground that we'd been working with National Highways on. And we've, um, one of the points that's raised within the statement of Common Ground is safety and approach to road safety.

01:00:07:00 - 01:00:08:12

And what's.

01:00:08:14 - 01:00:10:13

Agreed within the statement of Common Ground is that.

01:00:10:28 - 01:00:12:26

National highways agree with our approach on.

01:00:12:28 - 01:00:23:22

Road safety, that there is no residual road safety risks arising from our project. As Mrs. Fuller has just said, we will continue to work with national highways to ensure that that does remain the case.

01:00:32:07 - 01:00:34:09

Okay. Thank you very much.

01:00:38:25 - 01:00:39:10

Okay.

01:00:41:11 - 01:00:53:20

Just because you're you know, if your colleague wishes to jump in yet or or should we move on and. I'm happy to to come back. If it turns out your colleague does wish to say anything, but.

01:00:55:21 - 01:01:21:01

I'm sorry. We. I'm sorry. This is from National Highways. We are all working separately from different locations, so I don't know about him. Send him a message if he received my message. Hopefully we'll get better. There are multiple things happening for national highways today, and so we have to cope up with our same people joining different session as well.

01:01:21:18 - 01:01:38:00

Understood. Thank you very much. Okay. Point two of item four on the agenda was in relation to engagement with affected landowners and Orsted. Could the applicant just provide a quick update in terms of how those discussions are going, please?

01:01:43:04 - 01:01:53:05

Door filler for the applicant. Think already mentioned, sir, that we have agreed heads of terms with the landowner in relation to the realignment.

01:01:55:11 - 01:02:23:05

Authority misalignment. We are also in discussions, as we've referenced previously and also that have referenced with them in relation to the. Overlap between the Hornsea Project three and dep and dep. As part of those discussions, we are also discussing this potential option to use the whole route.

01:02:24:29 - 01:02:34:29

It's still in fairly early stages of discussion. It's one of the options and areas that will be looked at as part of the redesign.

01:02:39:15 - 01:02:50:18

We are discussing cooperation agreements with both Orsted and national highways to progress any potential interactions which would include management of any shared access that might be required.

01:02:53:14 - 01:03:26:08

Should also just note that it's actually probably unlikely that there would actually be a conflict with AWS in using this access in terms of if we were to go where to use this whole route. They are already in construction, so we don't anticipate there being a construction overlap there and. As with national highways, we already have protective provisions for all steady in the DCO, which offered them significant protection in relation to the Hornsea Project three scheme.

01:03:32:21 - 01:04:10:01

Okay. Thank you for that. Um, skipping on to number three, um, was in relation to National Grid and about the need to maintain and protect Orsted's existing right to legal access along the corridor. The applicant reply to the concern of national highways or the point made by national highways in relation to National Grid and the applicants of the view that reference to those protection provisions were erroneous. Does that answer national highways concern? If I could just just ask if you could jump back in.

01:04:11:02 - 01:04:24:03

I'm for item number 343 is a typo error. Sorry, this is National highways. Yes. We we mentioned we discussed this. That is a type order and national agreed it was there.

01:04:25:07 - 01:04:27:06

Thank you. Just wanted to just. Just double check.

01:04:31:27 - 01:04:38:19

Okay. Thank you very much for for for those answers. I will now hand over to Miss Ohio. Thank you.

01:04:43:02 - 01:05:14:11

Thank you, Mr. Manning. Um, right. If you can move on to item four for, uh, Miss Fuller, you've kind of responded to the first part of the question with the applicant need to include more land than the order limits to enable access to 46. Um, if there's anything else you'd like to add to that. Um, but also in that regard, if there's any land currently included in the order limits, that does not, that is not required for the proposed development.

01:05:17:21 - 01:05:48:01

Laura Fuller for the applicant. Don't think have anything to add in relation to additional land that may be required. Think our responses cover that in terms of the written responses and obviously what I've already outlined earlier and that we've acknowledged the need to negotiate any additional any additional land rights that may be required to deal with that, but are confident that we can do so, especially given that we have two signed heads of terms with the existing landowner already and was engaging actively with national highways.

01:05:49:21 - 01:06:03:23

As I've already mentioned, the redesign work is is underway, but it's not yet complete. And we will be. As I said, we are consulting with others in relation to that redesign to make sure that that is suitable and appropriate.

01:06:05:15 - 01:06:23:15

It's clear, though, that significant parts of the land sorry is clear that we will still need significant parts of the land that are currently within plots 27 006, which is the plot which align on the land planned, aligns with access 46.

01:06:25:01 - 01:06:44:23

We do have acknowledged that there may be some areas of land included within plots 27 006 that are no longer require or will no longer be required as a result of the redesign. That is still a slight work in progress. In process Progress. Sorry.

01:06:47:00 - 01:07:22:22

And it's not absolutely certain until the redesign is complete. However, I think we are. We acknowledge that in terms of where the tie in between the roads meets, that there is some area, small areas there that would that are no longer required. Once you've redesigned and also, as I've acknowledged earlier, we're looking at a wider redesign in relation to avoiding the conflict with the fence line. So there are some areas along the bottom edge of the field where we can see that those would not form part of the redesign.

01:07:25:22 - 01:07:37:12

I feel like we're moving into the next agenda item potentially in relation to whether you want me to sort of carry on in relation to how we would consider.

01:07:38:11 - 01:08:11:27

Uh, no, I do have further questions, so if I could. Yeah. No, that's helpful. So the redesign process is what you need to do in order to understand whether there's this part of land of that plot 27 006 that you may not need. And I know, Ms.. Atkins, you explained something regarding timescales, but is it likely that the redesign process at least will be complete before the close of the examination? So there's some clarity about any any part of that land that might not be needed for the proposed development?

01:08:13:03 - 01:08:18:01

So Sherri Atkins for the applicant, it won't be concluded within the examination timeframes.

01:08:20:28 - 01:08:44:10

So then with that uncertainty, moving on to the next agenda item, could you explain? Um, if the applicant strategic case for compulsory acquisition is still robust, given that, um, there could be some land that is not needed within the order limits that's not needed for the proposed development?

01:08:46:04 - 01:09:19:25

Laura Fuller for the applicant. It probably comes as no surprise that we've been considering this at some length. I think it's important to note, just as a preliminary point, that plot 27 006 is identified as land over which temporary possession powers only would be exercised and is included in Schedule nine on that basis because it is a temporary construction access. So we aren't seeking permanent rights there. Um, but we do recognize, as we've said, that some parts of plot 27 006 will not be required for the access.

01:09:20:06 - 01:09:36:06

What we're proposing is that we will amend the land plans to remove. The part of 46 where we are confident that the land.

01:09:37:21 - 01:09:52:06

Isn't required and will form part of the redesign. And that we would provide that land plan, update that deadline seven to remove. Those lands from the lot 27 006.

01:09:52:10 - 01:09:55:01

To all of 27. Or no part of it.

01:09:55:10 - 01:10:13:29

Only part of it because we are confident that we need the part that comes in off of the cable corridor and comes down the field, for example. It will be obviously much clearer once we have a plan and we can put that in front of you at deadline seven, but it would be a partial removal of the land.

01:10:41:21 - 01:11:21:19

What would be helpful is if you can set out in your response whether there would be any highway or access issues with the removal of that land from the order limits. Presumably there will be and you can give us the confidence that post redesign this will all be figured out. But I think just bearing in mind what is in front of us, what's secured in the DCO, if we can take comfort in making that recommendation to say, yeah, the project, even though in this just this small bit can be constructed and there will be no access and or indeed construction issues.

01:11:23:10 - 01:12:01:19

Or a filler for the applicant? Yes. Happy to follow up with some written information on that as well. Think it's just probably worth noting if I made that in terms of the compulsory acquisition guidance at paragraph 19, I just wanted to highlight that that requires applicants to demonstrate that any potential risks or impediments to implementation of the scheme have been properly managed. Um. This recognizes that applications may still have some risks or impediments that have to be managed, but can still be granted consent, which would include compulsory acquisition powers.

01:12:02:06 - 01:12:12:09

And as hopefully I've already given you a some comfort towards what we're in relation to what we're already doing and how that is being actively managed and how we are

01:12:13:26 - 01:12:22:15

dealing with that in relation to protect provisions and the cooperation agreement. But I am happy to obviously set that all out in writing for you as well.

01:12:28:12 - 01:12:38:04

Okay. Thank you. That's helpful. Uh, the reference to the, to this compulsory acquisition guidance, paragraph 19 would be helpful in your explanation on that.

01:12:39:23 - 01:12:49:19

Um, I think you've kind of covered item four, but what I was just trying to understand that if timing allowed, presumably this would have been a change request.

01:13:08:03 - 01:13:09:08

Laura Fuller for the applicant.

01:13:10:27 - 01:13:26:15

Obviously that does have it would depend on multiple. Things, particularly in relation to the point at which the misalignment had become clear as to whether there would have been time in the examination to consider making a material change request.

01:13:28:14 - 01:13:40:21

It's certainly possible, but it's a very hypothetical question for us. And there would have been various factors feeding into that decision, not least that.

01:13:42:17 - 01:13:57:22

There are there is the misalignment, as I've mentioned, but there's also potentially wider issues as to why we're looking at realigning the access there. So I can't couldn't tell you absolute certainty whether we would have made a material change request or whether we would still have made a decision to

01:13:59:12 - 01:14:15:11

deal with it in a way that we are now. But certainly the current position is that the timing just does not allow for that consideration. So it's not really an option that we have been able to. Consider in any detail because it just doesn't apply.

01:14:16:08 - 01:14:25:18

Yeah. And just to confirm that the removal of a part of that plot 27006 is not a change to the order limits.

01:14:28:09 - 01:14:33:18

Laura Firth, the applicant. Yes, that's correct. We would just be removing it from the plot within the land plan.

01:14:37:17 - 01:14:42:09

So explain that to me a bit more. If you're removing it from the land plan, how is it not? It will look.

01:14:42:11 - 01:14:47:27

Coloured white in the land plan. But we were not proposing to amend the red line boundary.

01:14:49:17 - 01:14:58:08

So it's it's a plot of land which is within the order limits, but is not included in any of the schedules schedules related to Ka.

01:15:01:01 - 01:15:21:25

So the plot itself will still be included because it will be a changed in size plot. So the plot 2706 will still exist, but on the land plan it will exclude and that would basically be a white area on the land plan where we are not seeking powers over that area of land in relation to temporary possession.

01:15:22:03 - 01:15:28:07

Okay. Just so I understand this clearly, are there any other white land in the outer limits? Is there any other white land?

01:15:31:05 - 01:15:37:07

Thoughtful of the applicant. No, that would be the only one. And it's just because of this situation that has arisen.

01:15:38:09 - 01:16:04:18

Could you just give some thought to. I mean, I'm only because I've never come across it before. Um, as to what the implications of that are, even if you remove it. From the schedules. You know the case for needing that piece of land, which is only a part of 27 006. The case for case then potentially not made.

01:16:16:07 - 01:16:17:22

Julian Boswell for the applicant.

01:16:20:20 - 01:16:37:08

I guess the way the way we're looking at it is that unexpectedly we have a glitch. You're challenging us rightly as to, well, doesn't it mean that that bit of land you can't now justify in compulsory acquisition terms? We've obviously considered that carefully.

01:16:38:23 - 01:16:57:17

Could we still justify on the basis of future flexibility and so on and so forth. And we've decided on balance that it's more straightforward to concede that we can't justify it. So then in terms of documentation that the way that you deal with that is to then not have a colour and relevant.

01:16:59:14 - 01:17:35:26

Entries in in related documentation to demonstrate that you are powers and the color that is normally used as white. So in terms of the rest of the access, we still need that. So that's remaining. And we're splitting the plot now, aren't we, just to deal with that small area. And so, yes, mean in terms of other reasons why White land sometimes. Happens. You know, sometimes you've done a deal with the landowner where they've absolutely insisted that the land comes out of the CPO altogether because.

01:17:36:23 - 01:18:07:08

So there are different situations where it happens, but it doesn't. The default position is that schemes want to underpin everything with compulsory powers. And that's obviously been the strategy that we are that we are following. And there are some limited situations where white land pops up and this is this is one of them, but it's still within the order. We're still seeking development consent. We may still do things incidentally, on there, but only if only if we've got landowner agreement, which, as Mrs.

01:18:07:10 - 01:18:18:17

Fuller's indicated, we think we are well placed to achieve. And then as an ultimate fallback, we could find a route to rescue, you know, re obtaining compulsory acquisition, but that looks unlikely to be needed.

01:18:20:02 - 01:18:20:29

Does that address?

01:18:22:04 - 01:19:15:03

Partly. But suppose there's just two points. I'll make one. You said that sometimes you do a deal with the landowner, and they absolutely insist that it comes out of the schedule. And so you'd have white land. So if you give me some examples of where that might have happened, just so we have that precedence before us and the reason and context when that might have happened. But the other thing that I'll just ask you to think about is are you potentially making your case weaker by having it as White land and not identified with any purpose? In the statement of reasons and the accompanying appendices in the book of reference? And would your case for for a part of this plot of land be potentially stronger to just say that you need it for flexibility because you're still in negotiation with landowners?

01:19:16:12 - 01:19:16:27

Um.

01:19:18:01 - 01:19:48:11

Well, if it's white Land, then it comes out altogether. Um, and for compulsory acquisition purposes, that means that we're not seeking to make a case for any form of compulsory acquisition or temporary possession powers. Um, and so the, the other point that I made isn't really relevant to this point. So that was just an incidental alternative example. Don't, don't. The as to where white land can come across, because sometimes people are surprised when they when they see it.

01:19:48:13 - 01:20:29:21

So the the the situation here is that we have acknowledged that we can't make a case on balance. We don't think we can make a case for compulsory acquisition, then that means that if you look at the apparatus because in theory you can promote a without any compulsory acquisition at all and there are 1 or 2 examples of that. So the Little Crow Solar doesn't have any compulsory acquisition in the DCO. If you look at that. And what that means is that then necessarily they didn't have land plans, they didn't have a statement of reason, they didn't have a book of reference, and they didn't have a funding statement because as soon as you have any compulsory acquisition, all of those things kick in in an interlocking way.

01:20:30:14 - 01:21:03:27

And so if it's the case that a plot of land you're not seeking powers over, then it just means that that whole apparatus won't apply to that particular plot. And so as far as the land plans is concerned, the way you deal with that is that they're white. In terms of the statement of reasons, we will adjust the statement of reason. Mentioned. Well, to the extent that we need to make it clear or put beyond doubt in the statement of reasons that we're not seeking powers over that spot, then we will make whatever adjustment is needed.

01:21:06:27 - 01:21:36:21

Okay. We will probably need to process this as a as a group. But any further questions we'll put through and written questions for. So what I've noted in terms of what you're. Giving us a deadline. Seven is the amended land plans and any amendments to the accompanying documentation such as book of reference, etcetera. Um, yes. Uh, and you're providing me with that explanation. Um.

01:21:37:20 - 01:21:42:06

The other document that can be relevant is the. Obviously. Yeah.

01:21:42:12 - 01:21:45:07

Okay. Um. All right.

01:22:02:11 - 01:22:20:21

Um, okay, so we're coming up to a break. I think we've kind of covered the next agenda item, but I'm just going to invite some comments. Um, if there is anything additional that you'd like to add that would there be anything required post examination in particular from the Secretary of State to consider and decision making?

01:22:23:15 - 01:22:44:12

Or a filler for the applicant. Think position on this is that we've already covered it now with the responses to open questions and also the additional information that we've provided today. And our submissions are deadline six. And obviously following up on that, the submissions will be making subsequently full deadline seven. Okay.

01:22:45:18 - 01:22:52:00

Right. So if there are no further questions, um, are there any comments from anybody else in the room?

01:22:56:13 - 01:23:19:00

Um. Right. So the time now is exactly 1130. Um, we'll break for a brief break. Uh, would be if everyone could return at 11:45 a.m., please. Um, attendees, If you decide to leave the meeting, then you can rejoin using the same link provided in your invitation email. And for those watching the livestream, please refresh your browser. Thank you.