

Medworth CAH1_13 April_PT1

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FULL TRANSCRIPT (with timecode)

00:00:05:12 - 00:00:40:05

Good morning, everyone. Can I just confirm that everyone can hear me clearly? Yes. Okay. Can I also confirm that Stuart Avis with Stuart Avis at the live streaming and recording this event has commenced. Thank you for those people watching the live stream. Can I also advise that should we at any point adjourn the proceedings this morning? We will have to stop the live stream in order to give us a clear recording. As a result, at the point at which we recommence the meeting and restart the live stream, you will need to refresh your browser page to view the restarted stream.

00:00:40:07 - 00:01:25:06

I will remind you of this again should we need to adjourn. It's now 10:00 and it's time for this hearing to begin. I'd like to welcome you all to this compulsory acquisition hearing. Dealing with compulsory acquisition and temporary possession matters in relation to an application made by Medway CHP Limited, who we will refer to as the applicant for an order granting development consent for the Medway Energy from Waste combined Heat and Power facility. The development proposal comprises the construction operation and maintenance of the energy from Waste combined heat and Power facility with associated grid connection, CHP connection, water connections, access improvements and temporary construction compound.

00:01:25:24 - 00:01:49:24

Thank you all for attending this hearing. My name is Clare Morgenson. I'm a chartered town planner employed by the Planning Inspectorate, and I've been appointed by the Secretary of State for levelling up housing and communities to be the lead member of the panel to examine this application. Apologies. In order to be a member of the panel to examine this application. I'm now going to ask my fellow panel member to introduce himself.

00:01:51:00 - 00:02:07:03

Good morning. Good morning. My name is Andre Pinto and I am a chartered town planner employed by the Planning Inspectorate, and I have been appointed by the Secretary of State for levelling up housing and communities to be the lead member of the panel to examine this application.

00:02:08:14 - 00:02:48:14

Together, we constitute the examining authority and we will be reporting to the Secretary of State for Energy Security and NET-ZERO with a recommendation as to whether the development consent order should be made. The case manager for this project is Tracy Williams. Tracy is being supported here today by Ms.. Phoebe Chalice and Mr. Ben Chan. Mr. Tyler Bozos is providing support remotely. If you have any queries about the examination process or the technology we're using for the virtual events, there should be your first point of contact and their contact details can be found at the top of any letter you've received from us or on the project page of the National Infrastructure website.

00:02:49:02 - 00:03:20:13

I'll now deal with a few housekeeping matters for those attending in person. Can everyone please set all devices and phones to silent? The closest toilets are outside of this room through the same door you use to enter the room straight on into the left. There are no fire evacuation tests planned for today.

So should the fire alarm sound, please make your way to the nearest fire exit door. Then make your way downstairs to the right hand side of the building. The fire evacuation assembly Point is by the lamppost with the red and green signs.

00:03:21:06 - 00:03:51:23

Today is a blended event and it comprises an in-person meeting as well as a virtual event being held on the Microsoft teams platform. For those people observing or participating through teams in order to minimize background noise, can you please make sure that you stay muted unless you're speaking? If you are participating virtually and you wish to speak at the relevant point in the proceedings, please use the hand up function. Please be patient as we might not get to you immediately, but we will invite you to speak at the appropriate time.

00:03:52:11 - 00:04:09:15

I would also like to remind people that the chat function on Microsoft teams has been deactivated, so please don't try to use this at any point. If you don't manage to ask your question or raise your point at the relevant time, there will be an opportunity at the end of this meeting to raise this under agenda item seven.

00:04:11:15 - 00:04:44:18

We'll seek to allocate sufficient time to each issue to allow its proper consideration. We will have to finish at approximately 12 30 in order to be able to set up and prepare for H2, which is due to start at 2 p.m.. If we need, we will take a short comfort break at 1 30 before resuming this meeting. We will, however, be flexible about these timings. Thank you. We will make sure with that. However you have decided to attend today, you will be given a fair opportunity to participate.

00:04:45:06 - 00:05:16:08

In addition to the live stream, a recording of today's meeting will be made available on the Med with energy from Waste combined Heat and Power Facility section of the National Infrastructure Planning website as soon as practicable after the meeting is finished. With this in mind, please ensure that you speak clearly into a microphone stating your name and who you are representing each time before you speak. For those at the table, you can do that by pressing the large button at the base of the microphone. If you're not at a table with a microphone, there is a roving microphone.

00:05:16:10 - 00:06:07:09

So please wait for one of these to be brought to you before you speak. If you're attending virtually and don't want your image to be recorded, please turn off your camera. For those in the room who do not want to be recorded. There is an area at the very back of the room out of camera shot, so please use that area. Because the digital recordings that we make are retained and published. They form a public record that can contain your personal information and to which the general data protection regulations apply. Only in the rarest of circumstances might we ask you to provide personal information of the type that most of us would prefer to keep private or confidential? Therefore, to avoid the need to edit the digital recordings, please try your best not to add information to the public record that you would not wish that you would wish to be kept private or that is confidential.

00:06:07:15 - 00:06:39:08

If you feel that personal information is necessary, please provide this in a written document that we can redact before publication. The planning Inspectorate's practice is to retain and publish recordings for a period of five years from the Secretary of State's decision. A link to the planning Inspector's Privacy Notice was provided in the Rule six letter. I assume that everybody here today has familiarize themselves with this document which establishes how the personal data of our customers is handled in accordance with the principles set out in data protection laws.

00:06:39:26 - 00:06:56:03

Please speak to Tracie Williams if you have any questions about this. This meeting will follow the agenda as published on the 3rd of April 2023, and it would be helpful if you had a copy of this in front of you. The case team is now displaying this agenda on the screen.

00:06:58:21 - 00:07:02:10

Just confirm that everyone has access to an agenda.

00:07:04:22 - 00:07:35:12

Okay. Just to briefly summarize the agenda, Item one is welcome introductions and arrangements for this compulsory acquisition hearing. Item two will outline the purpose of the compulsory acquisition hearing. Item three will cover the applicant's case for compulsory acquisition and temporary possession. Item four will cover statutory undertakers and item five will cover funding. Item six will review the issues and actions arising and item seven is any other business.

00:07:35:29 - 00:07:37:26

Item eight is the closure of the hearing.

00:07:39:12 - 00:08:13:00

We will conclude the hearing as soon as all relevant contributions have been made and all questions asked and responded to. But if the discussions can't be concluded, then it may be necessary for us to prioritise matters and to defer other matters to written questions. Likewise, if you cannot answer the questions being asked or require time to get the information requested, and please just indicate that you need to respond in writing and will advise you when it would be best to submit your response or issue in writing to us. Thank you. Does anyone have any questions on what we've just set out?

00:08:14:29 - 00:08:46:14

No. No, I can't see any hands raised. Okay, So I'll now move to introductions. I'm going to now ask those of you who are who are participating in today's meeting to introduce yourselves when state your organization's name, could you introduce yourself stating your name, who you represent, and which agenda item you wish to speak on? If you're not representing an organization, please confirm your name, Summarize your interest in the application and confirm the agenda item upon which you wish to speak.

00:08:46:23 - 00:08:56:19

Please could everybody also state how you wish to be addressed, i.e. Mr.. Mrs.. Ms. or Ms.. Can we start with the applicant then please, and any of their advisors?

00:08:59:06 - 00:09:29:11

Good morning. My name is Claire Broderick. I'm a senior associate at Pinsent Masons LLP representing the applicant Medway Limited. I'm joined by members of the applicants team who I'll introduce to my left is Gary McCrea. She's head of development. At. To her left is Mr. Tim Marks, head of planning at and then Mr. Paul Carey, Managing Director at I can be referred to as Ms..

00:09:29:13 - 00:09:30:22

Broderick Thank you.

00:09:30:24 - 00:09:31:24

Okay. Thank you.

00:09:32:12 - 00:09:34:08

Thank you. And good morning to everyone.

00:09:35:06 - 00:09:38:04

Can we, um, now move on to the.

00:09:38:06 - 00:09:56:01

Organizations and individuals that have given notice of their intentions to speak? Um, I believe that the only person we've had so far is actually online, which is Mr. Greenwood from Fenland District Council. If you'd please like to introduce yourself.

00:09:56:15 - 00:10:10:19

Yes. Good morning, all. My name is Mark Greenwood and the head of property assets and major projects at Fenland District Council. Uh, nothing specific to speak on. It'll be, um, in questions or anything that comes up today. Feel free to address me as Mr. Greenwood.

00:10:12:21 - 00:10:13:25

Thank you very much.

00:10:18:09 - 00:10:19:00

Okay.

00:10:19:10 - 00:10:29:10

If I could now ask if there's anyone else in the room today who wishes to speak. If they can let me know now and again. If you could introduce yourself and let us know on which agenda item you would wish to speak.

00:10:31:28 - 00:10:33:15

There's no one else in the room.

00:10:33:24 - 00:10:35:13

So if I could just move.

00:10:35:15 - 00:10:47:02

On to virtual attendees. If you're with us on Microsoft Teams today and wish to speak, please could you raise a virtual hand? And again, if you could introduce yourself and let us know the agenda item on which you would wish to speak.

00:10:51:01 - 00:11:03:27

So I can't see any raised hands online. So think that sums up everyone who is asked to speak today. So I'll now thank you for that and I will now hand you over to Mr. Pinto, who lead on item two of the agenda.

00:11:07:13 - 00:11:44:22

Thank you, Mr. Morgenson. Let me briefly explain now the purpose of this compulsory acquisition hearing. So the purpose of this compulsory acquisition hearing is to examine the applicant's overall case in relation to compulsory acquisition and or temporary possession, particularly ensure adequate examination of provisions within the draft seeking to authorise the of land and all rights over land. X assess whether the conditions relating to the land and or exits being required for the proposed development or required to facilitate or be incidental to that development are met.

00:11:45:14 - 00:12:03:06

Assess whether there is a compelling case in the public interest for the land to be acquired compulsorily and discharge the examining Authority's duty to hear persons affected by compulsory acquisition and or temporary possession, which are referred to as affected persons who requested to be heard.

00:12:05:01 - 00:12:41:22

This is, as previously mentioned, matches the agenda that was published for this meeting on 3rd of April 2023. Today's hearing will be a structured discussion led by the Examining Authority. Please be assured that we are familiar with what you have already submitted to us so you don't have to repeat in length anything that you have already put to us in writing submission. Scary equal weight regardless of the format in which they are put to us. If you do refer to any documents this morning, it would be helpful if you could give us correct examination, library reference number.

00:12:42:07 - 00:12:59:19

Please do try to avoid using any acronyms as people who might be watching or might be in the room, might not be familiar with those terms as we are. Are there any comments that anyone would like to make on this specific point?

00:13:07:25 - 00:13:38:02

In that case, I'll move us on then to item three the applicant's case for compulsory acquisition and temporary possession. In this item I will want to discuss the applicant's case for compulsory acquisition temporary possession, including how the relevant statutory and policy tests and the Planning Act 2008 and Department for Communities and Local Government guidance relate to would be met. Identification of the powers sought in their purpose.

00:13:38:07 - 00:14:12:12

The applicant strategy and criteria for determining whether to seek powers for CA of land of rights or of land that will be compulsory acquisition of land, compulsory acquisition of life of rights or temporary possession of land. Consideration of alternatives to compulsory acquisition and or temporary possession of land, including existing properties along Newbridge Line. Human rights Consideration. And consider the structure and context of the book of reference that will be read to 004 in rep to their 005.

00:14:12:24 - 00:14:54:25

Particularly in relation to changes carried out following relevant representations received by businesses and other affected persons along our causeway. Before I start, it might be useful for me to mention some key documents that will be referring to throughout this hearing which participants may each wish to have easy access to. These are the funding statement that will be AP 016. The statement of reasons that will be AP 017, the latest version of the draft development Consent consent order, which is on revision two tract version will be rep 1006 and the clean no track version is rep 1007.

00:14:55:23 - 00:15:37:26

The compulsory acquisition schedule that will be rep 1051 land plans that will be rep 100 for the work plans that will be AP 007. The applicants cover letter to deadline one submission that will be rep one 0 to 7. The book of reference in clean version should be rep to zero zero for the statement of commonality and statements of Common Ground version two that will be rep to 016 Schedule of changes to the book of reference revision two Rep 2017 Schedule of changes submitted at deadline to document reference Rep 2018.

00:15:38:19 - 00:15:53:28

The applicant's response to the examining written questions that will be rep to 019 The status of negotiations with statutory undertakers that to be rep 2022A network rail draft statement of Common Ground 002.

00:15:58:20 - 00:16:00:04

Any questions at this point?

00:16:01:27 - 00:16:36:10

No, I'll just continue that. Um. My first question will then be to the applicant directly, please. So Section 1 to 2 of Planning, Act 2008 states that DCO, which includes compulsory acquisition powers, may be granted only if the conditions in section 1 to 2 two and 1 to 2 three of the 2008 Act are met. The conditions to be met are that land is either required for the development to which the relates or is required to facilitate or is incidental to development.

00:16:36:12 - 00:17:06:21

And there is a compelling case in the public interest for inclusion of powers of composition in the DCL. Do we agree with that? So far, so good. Right. So on that basis, I would like the applicant to briefly represent and justify its case for compulsory acquisition and temporary possession. And in doing so, please explain how the proposal addresses the statutory and policy tests under the Planning Act 2008. And the guidance relates to procedures for compulsory acquisition of land.

00:17:10:18 - 00:17:40:18

The project with the applicant. As you've set out, it's sections one, two, two and 123. Of the Planning Act 2008 set out the required tests. The applicant confirms that the application includes the request for compulsory acquisition in accordance with section one, two three. Subsection two of the Planning Act 2008. Section 122. Subsection two requires, as you stated, that the land is required for the development or is required to facilitate or is incidental to the development.

00:17:40:29 - 00:18:24:09

The applicant confirms that the land and the new sought are required for the development or to facilitate the development. The purpose for which compulsory acquisition powers are sought are set out in section six of an Appendix A to the Statement of reasons, which is document app 017 and these powers are required for the construction use and maintenance and decommissioning of the proposed development. Article 23 of the draft includes a power to acquire the freehold of land and therefore the land shown coloured pink on the land plans which are rep 1-00 for this land is required for the facility site.

00:18:25:02 - 00:18:34:15

The also can substation and parts of the access improvements where it is necessary to dedicate that land as public highway following completion of the works.

00:18:39:21 - 00:19:09:24

Article 24 of the draft includes a power to acquire new rights and the implementation of restrictions. This power applies to the land shown colored pink and colored blue on the land plans where only new rights and the imposition of restrictions is being sought. That relates to the land shown colored blue on the land plans. The nature of the rights being sought is set out in Table 6.1 of the statement of Reasons and schedule eight to the draft ECA.

00:19:11:24 - 00:19:45:22

Section 1223 of the Planning Act requires that there's a compelling case in the public interest for land to be acquired compulsorily. The applicant's case is set out in section 5.5 of the Statement of Reasons and the applicant considers that it has demonstrated that there is a compelling case in the public interest for the facility, including the compulsory acquisition of land, as this is a nationally significant infrastructure project. The public benefits of the proposed development is set out in the planning statement, which is document app dash 091.

00:19:46:05 - 00:19:58:22

The Project Benefits Report, which is document app 095, and the assessment, which was updated at deadline two, which is 2-009.

00:20:00:24 - 00:20:43:22

In summary, these documents explain how the facility would enable waste to be managed further up the waste hierarchy. Help meet the urgent need for new energy infrastructure in the UK, deliver additional renewable energy capacity, provide peak load and baseload electricity, which is of increasing importance as part of the transition to renewable energy, provide combined heat and power, locally secure reductions in carbon association with the diversion of waste from landfill, and develop a range of environmental, social and economic benefits, including a commitment to a 10% biodiversity net gain, creation of local jobs and investment in local supply chains.

00:20:44:21 - 00:21:11:15

In addition to compulsory acquisition powers, the DCO seeks temporary use powers for the construction and maintenance, and these are set out in articles 32 and 33 of the draft TCA. These powers were sought over all of the order land as we discussed at the issues specific hearing on the DCO yesterday. However, in respect of the land shown green on the land plans and listed in schedule ten of the draft DCO, only temporary use powers are being sought.

00:21:13:06 - 00:21:16:15

Please let me know if you have any questions or wish me to expand on any of those points.

00:21:17:12 - 00:21:46:01

Thank you for that clarification, Ms. Broderick. Um, I do have some further questions and some further points that I would like to explore. Particularly, I would like us to actually look at consideration of reasonable alternatives to compulsory acquisition and how these have been explored. And I would also request the applicant, if you could, direct the examining authority to, um, specific documents where you can provide evidence of that consideration, please.

00:21:48:16 - 00:22:20:11

The project for the applicant and chapter two of the environmental statement. Alternatives, which is document reference. Dash 029, describes the site selection process and process undertaken by the applicant in order to identify the order limits. Sections two three 1 to 2 3.3 of Chapter two. Summarize the site selection criteria that were used by the applicant to identify a suitable site for a facility.

00:22:20:29 - 00:22:54:20

The essential and preferable criteria included a need for additional residual waste treatment in the area, a site that was in close proximity to businesses that have a large heat and or power demand a site of a suitable size to accommodate the facility. Good access to the Strategic Road Network, a brownfield site allocated for waste management and a site free of environmental designations. The site proposed for the facility fulfills these requirements in addition to the site selection process.

00:22:54:22 - 00:23:12:12

The applicant also reviewed alternative technologies, and that's set out again within chapter two of the ES and also considered the layout of the site. Again, that is explained in detail in chapter two of the. And Mr. Marks can discuss

00:23:14:02 - 00:23:23:27

any questions you have in terms of the configuration of the site and the considerations of alternative options in the use of the land surrounding the site.

00:23:24:17 - 00:23:27:20

Right. Thank you for that clarification. Um.

00:23:30:26 - 00:24:01:18

My question was actually linked with, um, alternatives, reasonable alternatives to compulsory acquisition and how they have been explored on a more side by side basis. So I do understand that. I

do accept that, as you have highlighted in your response, Chapter two Alternatives of the Environmental statement does provide evidence and reasoning in terms of the alternatives that were considered as part of the overall location of the development.

00:24:01:20 - 00:24:30:25

Nevertheless, for the purposes of this hearing, I wanted to actually explore a little bit more and how all the sites that you are proposing will be subject to compulsory acquisition. What alternatives to that have been explored and why are they still marked at the end of the day in pink in your plans? Because that is the colour that you have explained on your response marks. The sites that are subject to compulsory acquisition.

00:24:33:21 - 00:25:05:07

Apple for the applicant? Yes, As set out in section 5.6 of the statement of reasons the applicant has sought and continues to seek to acquire all land and rights for the purposes of the proposed development by agreement. And the applicant is engaged in extensive consultation and negotiations with persons with an interest in the relevant land to avoid the need for compulsory acquisition where possible and a result of these notifications. Since the statement of reasons was submitted, the applicant has since secured the purchase of number nine Newbridge Lane.

00:25:05:15 - 00:25:38:22

However, this land still is required. To be included within the. And compulsory acquisition powers are still being sought in order to ensure the deliverability of the scheme. If, for example, the option agreement that has been entered into for the main site where to fall away or if unknown third party interests were to come forward, compulsory acquisition powers are sought to deal with that situation and that is standard practice for nationally significant infrastructure projects in respect of the other areas of land.

00:25:39:17 - 00:25:48:28

We provided an update on the status of negotiations with landowners at Deadline one and we can provide a further update now if that would be helpful to you.

00:25:49:15 - 00:25:50:00

Um.

00:25:50:19 - 00:26:25:15

That will be helpful, but perhaps will hold on that appetite until perhaps either the next session two where actually I will want us to actually go through that specific schedule on a case by case basis. Then I will ask the applicant for an update on that. But for the purposes of this hearing, um, I wanted to actually I wanted to give the applicant an opportunity to actually explain how reasonable alternatives to compulsory acquisition have been explored, which I think that, that you have now explained.

00:26:25:17 - 00:26:41:02

Just in terms of the different sites that are still marked within the land plans as pink as well as outlined your strategy for how to deal with that in the future. Do you feel that that is the case in terms of your response? You have outlined that.

00:26:42:02 - 00:26:58:17

Labs if the applicant. Yes, that's correct. As said in accordance with the typical approach taken for nationally significant infrastructure projects, notwithstanding the fact that agreements have been entered into compulsory acquisitions continue to be sought in order to ensure deliverability of the scheme.

00:26:59:24 - 00:27:00:12

Thank you.

00:27:03:10 - 00:27:44:09

And I would now like to explore with the applicant the idea of how they intend to actually use the land which is proposed to be acquired. And this is obviously I'll have some further questions about this, but this is obviously linked with the information also included within the statement of reasons. So first of all, could you actually expand on that specific issue in terms of where we believe that we can actually find the information where you set out a clear idea of how you intend to use the land which is proposed to be compulsory acquired?

00:27:46:07 - 00:28:19:28

Claire project for the applicant. Yeah. Appendix A to the Statement of Reasons lists every plot listed in the in the book of reference shown on the land plans and sets out the purpose for which compulsory acquisition and or temporary possession powers are being sought. The relevant work number in schedule one to the draft and where temporary rights are being sought links through to schedule eight of the draft, which again lists the relevant plot numbers as against the rights that are being sought.

00:28:20:00 - 00:28:29:04

And the applicant believes that it is quite clear the purpose for which land and rights are being sought for the various elements of the proposed development.

00:28:29:14 - 00:28:30:09

Right.

00:28:30:22 - 00:28:59:05

I think that would like to explore now two issues in parallel. One will be, um, actually the information that you are supplying within Appendix A, as you have highlighted, but also something that we touched upon on yesterday's hearing on the DCO particularly will be the relationship between the work plans and then obviously, um, the statement of reasons in the land identified for compulsory acquisition and temporary possession. So, um.

00:29:02:02 - 00:29:32:10

Can I ask please the case team to actually share sheet one of the work the work plans for those following us that would be document app 007. This was document that we have actually looked at yesterday and considered, and I would like to revisit some of these issues because I am still not clear after yesterday's hearing in terms of how the work is proposed.

00:29:32:12 - 00:30:11:21

And I'm particularly going to focus on work for A and for B are correctly referenced and illustrated within the work plans. So if I can just expand briefly on that specific point. So works for a um a are linked with associated development comprising a new site access and access improvements on new bridge line including carriage and footway widening highway alteration works culverts, trains, street lighting services and utilities, connection and compact substation.

00:30:13:00 - 00:30:42:25

I believe that this area is the area where Mr. Carey yesterday pointed and highlighted to the examining authority that stretches um from the southern section of the site, but actually does not completely and totally occupy the whole length of new bridge line, but stops roughly where the site is proposed to be built. Is that case? Can we just confirm that?

00:30:44:22 - 00:30:51:26

The pool caring for the applicant. Yes, I'm happy to stand up on the screen and point to the point, if you wish.

00:30:52:24 - 00:30:53:22

Or your screen.

00:30:53:24 - 00:31:02:00

I'm okay. I'm just hoping that people will actually be able to follow us home. But I think that for the purposes of people here in the audience.

00:31:02:14 - 00:31:25:26

On the on those on the drawing that's on the screen at the moment, one can see a red blob and the works for a finish very close to that red area. I don't know whether it can be enlarged on the screen with the the red area that's on Newbridge Lane.

00:31:28:23 - 00:32:10:27

I believe that perhaps an easier way of describing this is and people at home will actually be able to zoom in and out more easily than we can here at venue. But I think that perhaps a more easy way to describe this will be that works for AI, which is the works that I have highlighted and extend from the southern west corner of the site and are highlighted within a black dash and they have a part of the blue x of the blue area that is covered in Newbridge line, but they do not extend all the way through the blue area.

00:32:11:14 - 00:32:12:14

Okay. They can reach.

00:32:12:16 - 00:32:13:10

It. Yep.

00:32:13:12 - 00:32:44:18

Yes, indeed. You can see there's there's two types of hatching. One is sloping sort of top left to bottom right and the other is sloping in the other direction. And they overlap a little bit. But you can just about discern the change in the tone. And so we're we're there's a red sort of shape on the drawing to the south of Newbridge Lane. And the area where four works for a finishes is slightly to the right of that.

00:32:44:20 - 00:32:54:07

You can just discern the change in the tone. Okay. I think we'll get those drawings changed. So a key with a key that's more obvious.

00:32:54:09 - 00:32:54:24

Yes.

00:32:54:26 - 00:33:02:24

But I want to explore this issue further because I think they have concerns that go beyond the key. But so would like would like us to consider this.

00:33:03:18 - 00:33:37:04

The applicant just wanted to say that for those who are joined virtually, there is a slightly clearer plan that shows the delineation where the work number for a stops and that is figure 3.2 little three, which in the figures to chapter three of the environmental statement, which is Dash 049 and the coloring used on that plan is perhaps a little clearer to see.

00:33:37:12 - 00:33:37:29

Thank you for.

00:33:38:01 - 00:33:39:03

That. For that.

00:33:39:12 - 00:33:40:05

For that.

00:33:40:16 - 00:33:54:14

Information. I propose that for the sake of this hearing, we'll just continue with this map as to for the sake of of just continue with with questioning. And if I am correct and I'm interpreting.

00:33:54:17 - 00:33:55:21

The key to.

00:33:55:23 - 00:34:18:03

This image correctly as it stands at the moment, I believe that the other area along Newbridge line that is hatched in black and white as well and sort of covers the area that then is also has a highlight in blue corresponds to works number six A can can just confirm that with the applicant please.

00:34:26:03 - 00:34:34:09

Two marks for the applicant. Yes, that is the water connections. Which is the black horizontal dashed line.

00:34:34:21 - 00:34:36:18

Right. Okay. Thank you very much for that.

00:34:36:20 - 00:34:38:04

Now, the other.

00:34:38:06 - 00:35:05:14

Layer that is highlighted on that same area, obviously, is the blue area, which is works number seven. Correct. Which according to my interpretation, is comprising associated development, which includes the the electric underground cables, cable trenches, ducting protection plates and jointing base and temporary storage compounds and lay bys on the A47. Correct.

00:35:06:00 - 00:35:07:00

Ten marks for the applicant.

00:35:07:02 - 00:35:07:17

Yes.

00:35:07:19 - 00:35:08:24

Correct, sir. Thank you.

00:35:09:24 - 00:35:11:16

If this is the case.

00:35:11:18 - 00:35:14:01

Then I would ask.

00:35:14:03 - 00:35:45:02

The applicant to explain to the examining authority, considering that the main access point to the site, as we covered yesterday, is going to be that specific junction between the A47 and Newbridge line? Why works for a which specifically detail associated development comprising a new site access and access improvements on Newbridge line does not cover that area.

00:35:48:00 - 00:36:24:23

Or caring for the applicants. There is some confusion here, sir, that the entrance to the site is not from the A47. It's from Cromwell Road, which is to the west or to the left of the work area for it's where the work area for A has a more or less circular square intersection with what is called Cromwell Road. So the the works that we need to do include some small works on Cromwell Road for traffic lights, etcetera.

00:36:25:10 - 00:36:29:01

Otherwise the traffic would use Cromwell Road

00:36:30:24 - 00:36:47:09

and they would come off the a47, but it would would be part of the public highway, which we do not need to do any work to. So it's not included in in works for a so, so we're not going to connect to the a47 directly. Does that make sense?

00:36:47:23 - 00:37:02:27

Yes. Well, accepting that that response then would draw our attention to the land plans, please. And if I could ask the case team to please share the land plans. Now, I'm looking particularly at sheet ten of 17.

00:37:34:16 - 00:37:37:07

In light of that response, I would ask.

00:37:37:09 - 00:37:38:26

The applicant to then, um.

00:37:38:28 - 00:37:40:05

Explain to the.

00:37:40:23 - 00:37:42:09

Father, um.

00:37:42:18 - 00:37:48:25

Considering that that is the junction between the A47 and Newbridge line.

00:37:49:05 - 00:37:49:20

Um.

00:37:50:01 - 00:37:51:28

Can the applicant please.

00:37:52:18 - 00:37:53:14

Explain.

00:37:53:16 - 00:38:02:10

Why that area is highlighted in blue in light of, of that information and what sort of rights are being acquired and what proposals will apply to those.

00:38:02:12 - 00:38:03:07

Sites, please.

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

Project for the applicant. Um, so yes, as Mr. Mr. Marks and Mr. Kerry explained, this section that's shown coloured blue on the land plans and was shown coloured blue and horizontally hatched black on the works plans is required for the water connection, which is a underground pipeline to connect the proposed development to Anglian Water's network, which is located just south of the A47, in the vicinity of those plots labelled ten 1B2 a1 two B.

00:38:38:22 - 00:38:53:07

So that's the connection point into Anglian Water's network that at the point at the moment there are two potential options being discussed to carry out that connection. One is an open cut.

00:38:53:17 - 00:38:54:27

Um, installation.

00:38:54:29 - 00:39:08:02

Technique, although the technicalities of that are still being discussed with national highways. And the other option is to directionally drill, um, the water connection and the directional drill would.

00:39:08:14 - 00:39:53:06

Commence in plot ten forward slash to G, then be located underground in plots ten and forward slash three A go across and beneath the a47 and then connect in to Anglian Water's network in the plots I mentioned to the south of the A47. So that's the first package which was um, work number six A in schedule one, in addition to the water connection, the grid connection which you identified as being work number seven is also due to be located in this area that will be installed beneath new bridge lane and then continue in a easterly direction along the verge of the a47.

00:39:53:08 - 00:39:58:13

So the rights being sought here, as described in Schedule eight to the DCA and.

00:39:58:15 - 00:39:59:15

Appendix A.

00:39:59:17 - 00:40:08:22

To the statement of reasons are for the water connection and for the grid connection. They are not right of access into the

00:40:10:15 - 00:40:26:10

facility site. There are rights for access listed in schedule eight, but that is access to undertake the grid connection works and access to undertake the water connection because you need to physically be able to go onto the land to do it. So it is a right of access.

00:40:26:12 - 00:40:26:29

To carry.

00:40:27:01 - 00:40:32:03

Out those construction works and then to maintain the grid connection and the water connection in the future.

00:40:32:05 - 00:40:32:20

Okay.

00:40:32:24 - 00:40:40:15

Thank you very much for that clarification. Now, could I actually ask us to share sheet 11 of 17 so the next.

00:40:42:14 - 00:40:44:08

Page of the.

00:40:44:10 - 00:40:45:14

Land plans, please.

00:40:51:29 - 00:41:22:11

Now, as you have referred to before, the statement of Reasons actually sets out the purpose for acquisition and temporary possession of each one and every site. That statement of reasons in relation to sites 11 one A 11 one B 11 one C refers to acquisition of land for access, including access improvements and refers to bridge line and access. And in light of that, in considering that site.

00:41:22:13 - 00:41:25:02

11 one A.

00:41:26:21 - 00:41:27:17

And.

00:41:32:08 - 00:41:43:28

11 one A is is dumb is one that that is closer to the junction that we're looking at. X refers to access to the site.

00:41:44:17 - 00:41:45:02

Um.

00:41:46:05 - 00:41:50:01

Then what is what is going.

00:41:50:10 - 00:41:53:01

What are the applicants intentions.

00:41:53:03 - 00:41:56:04

For the sites in between the site?

00:41:56:06 - 00:41:58:05

11 one A and.

00:41:58:07 - 00:42:06:26

The sites that we have just seen that have been identified as as connecting Newbridge line to the A47 and that would.

00:42:06:28 - 00:42:07:15

Be.

00:42:08:02 - 00:42:09:05

Sites ten.

00:42:09:07 - 00:42:12:00
Five, a ten.

00:42:12:02 - 00:42:15:12
To F, ten to E, 10 to.

00:42:15:14 - 00:42:16:10
3 A.

00:42:16:12 - 00:42:19:20
And ten one A and tend to be.

00:42:23:04 - 00:42:53:09
The project, the applicant and not 11 one, as you described, goes along that length of new bridge lane and the rights cover three of the different work numbers. But the the land plans need to be read in conjunction with the works plans. So in terms of the rights being sought for access improvements, those apply only to this section of plot 11 one A as corresponds with work number for a on the works plans.

00:42:53:11 - 00:42:55:04
They don't extend beyond that.

00:42:55:06 - 00:42:57:07
Beyond that, it is work number six.

00:42:57:18 - 00:43:03:13
And work number seven, which is rights with the grid connection and rights for the water connection and.

00:43:05:01 - 00:43:10:23
If it would be helpful, we could split that plot. Do you typically tend to.

00:43:11:08 - 00:43:11:27
Split.

00:43:11:29 - 00:43:14:03
The plots based on land ownership?

00:43:14:05 - 00:43:20:24
Yeah, which can result in some overlapping or a plot being subject to a number of different rights.

00:43:20:26 - 00:43:30:23
But I can see that has caused some confusion. So we could update the land plans to split plot 11 one A so that it corresponds with the.

00:43:31:00 - 00:43:36:06
Demarcation between the end of work number for a so that that was clearer.

00:43:36:08 - 00:43:38:03
On the plans before.

00:43:38:05 - 00:43:42:22

I make a decision on that. Um, I think that.

00:43:43:12 - 00:43:45:13

I would like to ask a couple more questions.

00:43:45:15 - 00:43:46:12

And particularly my.

00:43:46:14 - 00:44:17:06

Intention with this specific line of questioning is to actually understand what the proposal will look like. What are your intentions for that specific connection? So is there going to be a physical barrier on the road as it exists at the moment that is going to prevent people from accessing the site? And considering that the access and the rights given to you as it stands now do encompass all of that land.

00:44:17:08 - 00:44:34:14

But actually I accept that they refer to different work plans. But how is that issue going to be resolved in practice and what sort of measures are there going to be in place in order to prevent from access being used then, if that is not the intention of the applicant?

00:44:36:22 - 00:44:37:26

That project. The applicant.

00:44:38:11 - 00:44:46:25

Mr. Marks, can refer you to the plans that have been submitted that demonstrate the the access into the

00:44:49:06 - 00:44:59:22

facility site, but then also some proposed works to prevent through traffic linking new bridge lane through to.

00:44:59:24 - 00:45:00:09

The.

00:45:00:13 - 00:45:06:05

A sort of further on towards the A 47. We're just trying to find the reference for the relevant plan.

00:45:07:21 - 00:45:27:13

Tim Marks for the applicant. If I could refer you to document app 049 which are the figures for the chapter three description of the proposed development and specifically figure 3.19 II, which is on page 48 of the document.

00:45:27:18 - 00:45:28:03

Mr. Mike.

00:45:28:05 - 00:45:32:17

Can I just ask you to bear with me for a second while I. And could you repeat the references.

00:45:32:19 - 00:45:33:04

For me, please?

00:45:33:06 - 00:45:42:14

So this is in document a P049. These are the figures to environmental statement Chapter three.

00:45:46:18 - 00:46:00:24

Yes. And go to page 48 on the documents and we'll look, I'm we'd like to refer you to figure 3.19, i.e. Newbridge Lane access proposal.

00:46:03:06 - 00:46:04:10

Just one moment, please.

00:46:26:15 - 00:46:30:21

Which began at least 33.19.

00:46:30:23 - 00:46:31:17

I.

00:46:46:15 - 00:46:48:14

3.1 you said.

00:46:49:09 - 00:46:53:27

93.1. 1.93.19.

00:46:54:07 - 00:46:55:07

I.

00:46:59:04 - 00:47:02:14

It's on page 48 of the document.

00:47:24:14 - 00:47:26:06

Yes, I do have that image with me. Yeah.

00:47:27:12 - 00:47:31:18

Okay. So the image I don't know if it's helpful to put it on the screen, too.

00:47:39:17 - 00:47:42:07

Can I ask the case.

00:47:42:09 - 00:47:47:25

Team if it is possible? Um, this is a document that we were not prepared to share today.

00:47:48:12 - 00:47:48:27

Um.

00:47:49:01 - 00:47:57:18

But can I ask if it is possible for us to find a way to share this specific document? So just confirm. Figure 3.19.

00:47:57:20 - 00:48:00:06

I believe a new.

00:48:00:08 - 00:48:07:26

Bridge lane access proposal. Page 48 of 74 on the specific pdf of this document.

00:48:08:23 - 00:48:10:18

Um, I am I am.

00:48:10:20 - 00:48:22:27

Not 100% sure that we will be able to actually do it very quickly, but but we'll try our best. Hopefully people that have access to the documents will actually be able to follow the discussion as well. But if you'd like to then continue.

00:48:23:15 - 00:48:24:18

That's like a private team.

00:48:25:04 - 00:49:14:29

Two miles for the applicant. Thank you, sir. Um, so the drawing that I've referred you to is the access improvements drawings along Newbridge Lane and the section of access improvements that would be adjacent or that run into the proposed new HGV heavy goods vehicle access into the energy from waste combined heat and power facility. So the junction into the facility is on the north side of Newbridge Lane. Um, and the the eastern extent of the works of the access improvements on Newbridge Lane are highlighted here on the drawing where it is referred to a scheme to tie into the existing Newbridge Lane alignment.

00:49:15:03 - 00:49:38:26

So that's the, should we call it the, the eastern extent of the actual physical highway access improvement works on Newbridge Lane and to ensure that Non-motorised users can still maintain a through access here but prevent vehicle movements, you'll see there is a socket for removable bollard. Okay.

00:49:40:12 - 00:49:41:17

Thank you for that clarification.

00:49:41:19 - 00:49:42:25

That's that's useful.

00:49:52:20 - 00:49:55:09

And going back to.

00:49:55:11 - 00:50:03:14

Considerations in terms of compulsory acquisition, in light of this proposal, then you believe that you have identified.

00:50:03:16 - 00:50:04:13

Enough.

00:50:04:25 - 00:50:12:03

Land within this area in order to be able to deliver the proposal as it stands now and guaranteed access?

00:50:13:04 - 00:50:13:26

Of course.

00:50:15:05 - 00:50:17:00

Two marks for the applicant. Yes, sir.

00:50:18:22 - 00:50:19:11

Thank you.

00:50:27:13 - 00:50:30:05

Mr. Kerry, I note that.

00:50:30:07 - 00:50:30:29

You raised.

00:50:31:01 - 00:50:32:19

Your hand earlier.

00:50:33:02 - 00:50:35:21

Would you still like to intervene at this point?

00:50:37:01 - 00:50:39:27

In a pokery for the applicant. I was just trying to.

00:50:42:04 - 00:50:44:21

Excuse me. Remark on Mr. Broderick's comment.

00:50:46:15 - 00:50:47:15

Excuse me. Um.

00:50:49:15 - 00:51:08:14

In terms of splitting the land ownership. The difficulty we have is perhaps that works for a and six eight overlap by some several meters. It may not be easy to split the land, but it would be easier for us to change the the key used for the different work so that it becomes visibly easier to see that overlap.

00:51:09:20 - 00:51:13:11

Yes, I think that we agreed on changing the key.

00:51:13:13 - 00:51:18:24

Yes, today's meeting to do that. So I would be relying on the applicant to please do that. That would be.

00:51:18:26 - 00:51:19:26

Helpful. Thank you.

00:51:24:16 - 00:51:27:27

Right would like us to then look at chapter nine of this text.

00:51:27:29 - 00:51:32:28

Excuse me, Mr. Pinto, can I just ask a question, please? Oh, certainly. Um, just.

00:51:33:10 - 00:51:57:21

Looking at the figure that we have in front of us. Figure 3.1 I there. Um, just to check, obviously it looks like the there's going to be restriction to vehicular access beyond number ten. Newbridge Lane And just a query, obviously I'm aware that there's another residential property potty plants further along that lane. How will the access to that property be retained?

00:51:59:06 - 00:52:20:04

Tim Marks For the applicant, um, the property you refer to party plants is to the east of, of this figure that we're looking on screen and currently has no access across Newbridge Lane at the point where the disused railway line crosses. So we would not be affecting their existing vehicular access arrangements.

00:52:21:21 - 00:52:24:29

Yeah they they currently use new drove.

00:52:25:29 - 00:52:28:01

Okay. Thanks for the clarification. Thank you.

00:52:43:03 - 00:52:47:09

Actually, while we still have this image on the screen and we are able.

00:52:47:11 - 00:52:47:29

To.

00:52:48:01 - 00:53:00:24

Investigate this issue a little bit further, can I ask us to share 3.19? I so that is page 47. So the page immediately.

00:53:00:26 - 00:53:01:28

Before this one.

00:53:11:05 - 00:53:13:26

Um, and perhaps can I ask.

00:53:14:04 - 00:53:19:06

The applicant to talk us through some of the proposals?

00:53:19:18 - 00:53:20:03

Um.

00:53:21:08 - 00:53:25:20

There in terms of access as well.

00:53:29:21 - 00:54:20:11

In marks for the applicant. Yes, sir. So what are we looking at on the screen at the moment? Is Newbridge Lane and the disused railway line runs in a sort of a north south direction on the right hand side of the drawing. So this is displaying the other section of the highway and carriageway improvement works that are proposed along new bridge lane. These have been designed to be consistent with the approaches that are set out in the Wisbech access strategy and include a wide carriageway for the vehicles, but also a pedestrian sort of footpath on the northern side of Newbridge Lane and where there will be provision of dropped kerbs for existing access points along it.

00:54:21:03 - 00:54:43:07

Um, there are also proposed street lighting. These are indicative locations are shown on the drawing as a sort of a red symbol you'll see just on the footpath. And it also indicates the location of the compact substation that will be relocated slightly to the north of the Footway.

00:54:45:14 - 00:54:46:09

I'm happy to.

00:54:47:04 - 00:54:47:19

That's.

00:54:47:21 - 00:54:49:21

That's. That's useful. Thank you.

00:54:50:00 - 00:54:50:15

Um.

00:54:51:26 - 00:54:54:15

And again, you do believe that you have identified.

00:54:54:17 - 00:54:58:22

Enough land and you have, um. Having visited the.

00:54:58:24 - 00:55:01:17

Site, I know that the site at the moment is actually quite constrained.

00:55:01:19 - 00:55:02:14

Geographically.

00:55:02:16 - 00:55:03:01

Because.

00:55:03:03 - 00:55:04:21

Of culverts in the.

00:55:04:23 - 00:55:15:29

Series of different issues that that are within that location. The applicant is confident it has identified enough land in order to be able to deliver the proposal as it stands and it's identified in the works.

00:55:16:16 - 00:55:32:23

Team marks for the applicant? Yes, sir. And as part of that process, we have acquired nine new bridge lane and we are also continuing our discussions with the Highways Authority, for which we have a further meeting at 4:00 today to discuss these points in any concerns they may have.

00:55:33:04 - 00:55:35:14

Okay. Thank you very much for that clarification.

00:55:44:16 - 00:55:45:03

Are you happy?

00:55:45:21 - 00:55:47:15

I'm happy, Mr. Pinto. Thank you.

00:56:03:12 - 00:56:07:07

And I would like us now to look at chapter nine of the statement of reasons, please.

00:56:10:11 - 00:56:11:17

In chapter nine of.

00:56:11:19 - 00:56:12:21

The statement of reasons.

00:56:12:23 - 00:56:13:27

Explains.

00:56:15:04 - 00:56:36:24

The applicant's compliance with human rights legislation relevant to the termination of the application. What assessment, if any, has been made of the effects upon individual affected persons and their private loss that would result from the exercise of the compulsory acquisition powers that are being requested?

00:56:49:05 - 00:57:25:01

That project for the applicant. And as you stated, Section nine of the Statement of Reasons sets out the applicant's case in relation to consideration of human rights, balancing the benefits of the proposed developments as against any private loss suffered by individuals. And it sets out how individuals who may be affected by compulsory acquisition can participate in the process and also for the payment of compensation.

00:57:25:12 - 00:57:33:17

And for this particular proposal, there are very few individuals where that own.

00:57:33:19 - 00:57:35:07

Land, that compulsory.

00:57:35:09 - 00:57:37:20

Acquisition powers are being sought.

00:57:37:25 - 00:57:38:18

Over.

00:57:39:06 - 00:57:43:02

In particular, No Newbridge Lane, which we mentioned before, has now been.

00:57:43:04 - 00:57:46:03

Purchased by the applicant and therefore.

00:57:47:02 - 00:57:51:21

There are no considerations in terms of impacts on individuals. In relation to number nine.

00:57:51:23 - 00:57:53:00

Newbridge Lane since.

00:57:53:02 - 00:57:56:19

The statement of reasons has been was drafted and submitted.

00:57:57:08 - 00:58:03:06

And the environmental statement sets out the impacts on.

00:58:04:08 - 00:58:09:29

Individuals and receptors in terms of impacts of traffic, noise and air.

00:58:10:01 - 00:58:12:07

Quality and where.

00:58:12:09 - 00:58:18:25

Mitigation measures were required. For example, in respect of number ten, Newbridge, Newbridge Lane, those.

00:58:18:27 - 00:58:23:23

Have been proposed as part of the development and requirements have been.

00:58:23:25 - 00:58:46:14

Included in schedule two to the draft DCO, for example, Requirement 19, which relates to noise management, clearly states that the proposed development can't commence until the acoustic fencing that's proposed for number ten, Newbridge Lane is in place.

00:58:47:11 - 00:58:55:18

Thank you for that clarification. Now, I accept that, as I have highlighted.

00:58:56:27 - 00:58:57:27

Before that Chapter.

00:58:57:29 - 00:58:58:19

Nine.

00:58:58:21 - 00:59:00:15

Does address that issue.

00:59:00:17 - 00:59:01:03

But I.

00:59:01:05 - 00:59:03:29

Feel that it addresses that issue as a.

00:59:04:01 - 00:59:05:11

Very general point.

00:59:05:13 - 00:59:06:04

Any general.

00:59:06:06 - 00:59:08:06

Way. And um.

00:59:08:14 - 00:59:11:20

I am looking at, for example, paragraph 9.1.

00:59:11:22 - 00:59:12:26

Point five.

00:59:14:12 - 00:59:14:27

Uh.

00:59:15:08 - 00:59:16:12

Which it.

00:59:16:14 - 00:59:17:23

States. Um.

00:59:19:22 - 00:59:58:19

That states that it has concluded that significant public benefits outweigh the effects upon persons who own properties within the borderlands. For those affected by expropriation or dispossession, compensation is payable in accordance with statutory compensation code. And although I accept that point and that compensation may be payable, it is not in excess of in itself absolve the applicant from assessing the impacts upon individual affected persons on a side by side basis and for every single individual which have got to be considered and then balanced against potential public benefits of the proposal.

00:59:58:21 - 00:59:59:25

So my.

00:59:59:27 - 01:00:01:16

Question has.

01:00:01:18 - 01:00:03:09

Got to do with.

01:00:03:11 - 01:00:04:09

How.

01:00:04:11 - 01:00:06:17

That exercise has been carried.

01:00:06:19 - 01:00:07:18

Out and.

01:00:07:20 - 01:00:10:19

Where can I find evidence of that exercise being carried.

01:00:10:21 - 01:00:11:06

Out?

01:00:16:14 - 01:00:18:08

A project for the applicant and.

01:00:20:10 - 01:00:32:22

I think that the statement of reasons obviously needs to be read in conjunction with the other application documents. And as mentioned, the impacts on individual receptors has been set out in the environmental statement.

01:00:32:24 - 01:00:42:07

We can provide a signposting document as part of the actions for this hearing to direct you to where in the environmental statement you can find.

01:00:42:09 - 01:00:42:29

Information.

01:00:43:01 - 01:00:45:09
About impacts on each of the.

01:00:46:00 - 01:00:51:13
Receptors that are affected. But it is not typical for a statement of.

01:00:51:15 - 01:00:52:22
Reasons to.

01:00:52:24 - 01:00:54:14
Contain that level of information.

01:00:56:11 - 01:01:01:29
I accept that assessment on several different topics has been carried out by.

01:01:02:01 - 01:01:02:16
The.

01:01:02:18 - 01:01:12:03
Applicant in order to assess the implications of the proposal. But my query is more to do with the site specific assessment because obviously.

01:01:12:05 - 01:01:12:26
It will be.

01:01:12:28 - 01:01:15:10
Much easier for the examining authority.

01:01:15:12 - 01:01:17:11
To understand.

01:01:17:13 - 01:01:20:16
How the applicant has come to the conclusions that it has.

01:01:20:18 - 01:01:21:24
Arrived to.

01:01:22:04 - 01:01:23:24
Set out in paragraph 9.1.

01:01:23:26 - 01:01:25:17
Point five if.

01:01:25:19 - 01:01:26:19
We can clearly.

01:01:26:21 - 01:01:27:12
See.

01:01:27:14 - 01:01:41:05

How that assessment was carried out, how the impacts were balanced in light of all of the impacts, and then how the planning potential benefits of the proposal have been considered. And it does the statement of reasons as it stands.

01:01:41:07 - 01:01:45:18
Now does not offer clear.

01:01:45:24 - 01:01:48:08
Evidence of that process.

01:01:48:10 - 01:01:49:27
So I would just.

01:01:49:29 - 01:01:50:15
Like us to.

01:01:50:17 - 01:01:51:14
Clarify.

01:01:51:16 - 01:01:53:00
How that process was carried out.

01:01:53:02 - 01:01:55:24
And and if we can get that evidence.

01:01:56:28 - 01:02:05:05
That project? Yes, certainly. Mean the information is is set out that balancing exercise is also set out in the planning statement. But we can provide.

01:02:05:21 - 01:02:08:25
A summary of where all that information can be found.

01:02:09:06 - 01:02:10:03
Including sort.

01:02:10:05 - 01:02:10:24
Of consideration.

01:02:10:26 - 01:02:12:00
Of in combination.

01:02:12:02 - 01:02:15:14
Effects as well as individual effects on each receptor.

01:02:15:16 - 01:02:17:18
So we believe the information is in the.

01:02:17:26 - 01:02:19:01
Application document, but we will.

01:02:19:03 - 01:02:19:29
Provide a signposting.

01:02:20:01 - 01:02:23:21

Document so that it's clear where that information can be found.

01:02:23:25 - 01:02:29:22

Okay. Can I get an action for that, please, from the applicant to provide such a document?

01:02:48:00 - 01:02:48:15

Um.

01:02:50:08 - 01:02:51:29

I would like us to move on now to a.

01:02:52:01 - 01:03:09:18

More strategic as to a more high level topic, which is to do with the overall strategy. So can I ask the applicant to please explain? And its overall strategy for.

01:03:11:10 - 01:03:19:15

In criteria for determining whether to seek powers of sea, of land. Sea of rights or of land, please.

01:03:22:25 - 01:03:40:09

Double check for the applicant. In accordance with the compulsory acquisition guidance, the applicant has sought to acquire only the minimum amount of land necessary to deliver and includes the construction, use, maintenance and decommissioning of the proposed development. Therefore, powers to acquire the.

01:03:40:11 - 01:03:43:00

Freehold of land which is considered to be the more onerous.

01:03:43:02 - 01:03:45:00

Power, have only been sought where it is.

01:03:45:02 - 01:03:45:24

Not possible.

01:03:45:26 - 01:03:50:12

To deliver the proposed development using either the acquisition of new rights or.

01:03:50:14 - 01:03:50:29

Temporary.

01:03:51:01 - 01:03:57:19

Possession powers. For this reason, compulsory acquisition of the freehold of land has only been sought for the main.

01:03:58:12 - 01:03:59:02

Facilities.

01:03:59:04 - 01:04:02:28

Site and the wall token substation and the access.

01:04:03:00 - 01:04:03:26

Improvements that.

01:04:03:29 - 01:04:10:01

Mentioned before where it is necessary to then dedicate that land as public highway. And only the owner of.

01:04:10:03 - 01:04:13:17

The land is capable of providing that.

01:04:13:19 - 01:04:14:12

Dedication.

01:04:14:14 - 01:04:17:02

And therefore it's necessary to acquire the freehold.

01:04:17:04 - 01:04:18:06

In order to facilitate.

01:04:18:08 - 01:04:19:06

That process.

01:04:19:17 - 01:04:27:11

Where only new rights are possible. Such as new rights for the grid connection and for the water connection and rights of access.

01:04:27:13 - 01:04:31:27

These have been sought and as we discussed at the last hearing.

01:04:32:27 - 01:04:34:03

A change was made.

01:04:34:05 - 01:04:36:24

To the rights being sought over Al Gore's way.

01:04:36:26 - 01:04:38:20

As Cambridgeshire County Council.

01:04:38:22 - 01:04:39:07

Confirmed.

01:04:39:09 - 01:04:40:25

That they no longer wished to adopt.

01:04:40:27 - 01:04:41:12

This.

01:04:41:17 - 01:04:45:07

Al Gore's way, the section of Al Gore's way that's currently uneducated.

01:04:45:21 - 01:04:50:07

And therefore there is no requirement for the applicant to acquire the freehold of that.

01:04:50:09 - 01:04:53:13

Land, which would have been solely for the purposes of dedication.

01:04:54:03 - 01:04:56:03

Of the highway. So only rights of.

01:04:56:05 - 01:04:56:27

Access.

01:04:57:01 - 01:04:59:24

Are being sought over Al Gore's way.

01:04:59:29 - 01:05:03:16

Where land is only required during construction.

01:05:03:29 - 01:05:05:10

Of the proposed development.

01:05:05:12 - 01:05:14:27

Then the lesser power of temporary possession has been sought, and that relates to the temporary construction compound and also areas of layby.

01:05:14:29 - 01:05:16:10

On the a47 which.

01:05:16:12 - 01:05:32:15

Will be utilised during construction of the grid connection. Throughout this process, the applicant has sought that the rights being obtained are proportionate and. And that there would be sufficient certainty to deliver the proposed.

01:05:32:17 - 01:05:33:09

Development within the.

01:05:33:11 - 01:06:06:15

Necessary timescales. As previously mentioned, the rights that are being sought to set out in Table 6.1 of the statement of Reasons and Schedule eight to the draft. Um, we discussed in some detail yesterday the nature of the rights being sought, but the applicant considers that they are the minimum amount of rights needed to ensure the deliverability of the proposed development and the restrictive covenants that are being sought are necessary for the purposes of implementing the DCO and protecting the infrastructure that's being delivered.

01:06:07:17 - 01:06:08:17

Thank you for that.

01:06:08:23 - 01:06:15:27

Um, and that sort of leads us back to the statement of reasons in chapter six and Appendix.

01:06:16:02 - 01:06:16:20

II.

01:06:17:06 - 01:06:38:02

In terms of chapter Chapter six. Statement of Reasons, which sets out the purpose for which campus requisition possession. Powers assault. Assault. Um, but I would actually like to ask again to question in terms of a site by site basis and in relation to those topics that would be of land, sea of rights.

01:06:38:13 - 01:06:39:08
Of land.

01:06:39:24 - 01:06:44:13
Where can I find that in the justification for the extent of land requested?

01:06:49:08 - 01:07:01:24
Apple for the app cannot see as the plans need to, as we mentioned before, need to be read in conjunction with the works plans and the works plans demonstrate the area of land required.

01:07:01:26 - 01:07:02:27
To deliver each of the.

01:07:02:29 - 01:07:03:22
Individual.

01:07:03:27 - 01:07:08:08
Elements of the proposed development. Chapter three.

01:07:09:09 - 01:07:10:16
To the.

01:07:10:18 - 01:07:11:09
Environmental.

01:07:11:11 - 01:07:21:11
Statement. Which is document reference 030, describes each element of the project and what is involved in.

01:07:21:13 - 01:07:22:18
Terms of its.

01:07:23:18 - 01:07:43:15
Construction. So, for example, it sets out the area of land required for the construction of the grid connection and the water connections, the areas of land required to construct the connection, for example. And those construction methods and apparatus.

01:07:43:17 - 01:07:44:18
Requirements have.

01:07:44:20 - 01:07:46:14
Been used to inform.

01:07:46:16 - 01:07:49:24
The area of land over which rights are being sought.

01:07:50:27 - 01:07:51:25
Thank you for that.

01:07:53:10 - 01:08:00:22

Going sticking to statement of reasons in Chapter six. I would also like to highlight as well that.

01:08:03:12 - 01:08:08:19

Considering that land is now no.

01:08:08:21 - 01:08:12:17

Longer being proposed to be acquired so that it can be designated as a public.

01:08:12:19 - 01:08:13:12

Highway.

01:08:14:02 - 01:08:18:00

I would just like to bring to the applicant's attention that I think that perhaps.

01:08:18:12 - 01:08:18:27

Um.

01:08:20:07 - 01:08:39:21

The tables included within chapter six and Chapter six as a whole probably needs to be reviewed in order to reflect that. Don't think that it reflects that accurately at the moment. But putting that point aside, so perhaps if I could get an action for the applicant, I see nodding. So I'm assuming that you.

01:08:39:23 - 01:08:40:13

Agree with that.

01:08:40:20 - 01:08:50:21

And so if could get an an action for the applicant to to update that, please. And then I would like us to actually look at appendix A.

01:08:53:00 - 01:08:56:19

And. Again. And in terms of.

01:08:59:20 - 01:09:07:10

Getting out purposes. I would just like us to look back at that and.

01:09:07:12 - 01:09:09:01

Say that, um.

01:09:14:18 - 01:09:22:26

Would it be easier in light of the discussion that we have had for the justification for the extent of length and size of the plot.

01:09:22:28 - 01:09:25:20

Required to actually be.

01:09:25:22 - 01:09:28:09

Included within that appendix?

01:09:37:11 - 01:09:42:24

For the applicant and we can definitely give some thought as to how best to.

01:09:44:27 - 01:10:04:25

Provide that information and. The location of the plot. So, for example, the the majority of the verge of the a47, for example, has been it would be the sort of the same justification for the. For the majority of those.

01:10:05:10 - 01:10:06:01

Stand, that.

01:10:06:03 - 01:10:09:23

That would be the same justification. But obviously.

01:10:10:01 - 01:10:10:16

Uh.

01:10:12:11 - 01:10:15:03

The purpose of a site in wide purpose will be.

01:10:15:05 - 01:10:17:11

Used, which was the.

01:10:18:18 - 01:10:46:21

Purpose of the questions that we were answering before. Does not necessarily mean that it is justified. So and and that is my point. I think that Annex A, as it stands now, does provide relatively detailed information in terms of the purpose. But I'm still not convinced that it does provide justification on a side by side basis, which obviously is required, which is why we have a side by side.

01:10:46:23 - 01:10:49:26

Basis analysis here in Appendix A provides.

01:10:49:28 - 01:10:54:20

Actually justification for that. For example, if we take any site.

01:10:54:29 - 01:10:55:29

And site.

01:10:56:01 - 01:10:56:23

One one.

01:10:56:25 - 01:10:57:10

A.

01:10:58:05 - 01:11:10:15

Purpose of acquisition is acquisition of rights and imposition of restrictions over construct operate to maintain and protect the grid connection, which obviously is you have highlighted in the table that setting out the purpose.

01:11:10:17 - 01:11:11:05

But the.

01:11:11:07 - 01:11:14:19

Purpose is not in self a justification for each and every.

01:11:14:21 - 01:11:15:08
Site.

01:11:22:11 - 01:11:31:26
As part of the update to the statement of reasons to include the change to our causeway and the plot numbering, we will have a look at including some facts.

01:11:31:28 - 01:11:33:23
That links the statement.

01:11:33:25 - 01:11:37:21
Of reasons to the information contained in Chapter three of the.

01:11:37:23 - 01:11:46:06
Environmental statement, which explains the um the requirements for the extent of each plot which think is what you are seeking the.

01:11:46:08 - 01:11:46:23
The.

01:11:46:25 - 01:11:52:16
The physical extent of the plot rather than necessarily the purpose for which it's

01:11:54:08 - 01:11:57:26
at the moment, it sets up the purpose for which we require it, but not

01:11:59:12 - 01:12:00:20
why the plot is the size it.

01:12:00:22 - 01:12:01:14
Is. And think that's what.

01:12:01:16 - 01:12:02:17
You're you're seeking to.

01:12:03:12 - 01:12:08:00
Have slides and also justification for why it's needed, i.e. a.

01:12:08:02 - 01:12:10:25
Link with works that are going to be carried out on that.

01:12:10:27 - 01:12:11:17
Site.

01:12:14:01 - 01:12:14:16
Yes.

01:12:14:18 - 01:12:17:13
Mean the the work the relevant work number.

01:12:17:15 - 01:12:19:02

Is already included in.

01:12:19:04 - 01:12:20:17

Appendix A, so that.

01:12:21:18 - 01:12:22:16

Sets out.

01:12:23:08 - 01:12:25:13

For example for plot 11A.

01:12:25:16 - 01:12:27:13

It's to do with the grid connection, which.

01:12:27:15 - 01:12:28:28

Is work number eight.

01:12:29:00 - 01:12:31:01

I accept that work number is there.

01:12:31:03 - 01:12:33:19

But it my question is.

01:12:35:08 - 01:12:38:00

Does the applicant. Would the applicant.

01:12:38:12 - 01:12:39:01

Feel.

01:12:39:03 - 01:12:43:12

That it would actually help in terms of justification for wide sighted need.

01:12:43:14 - 01:12:47:05

Is needed to actually have a little bit of a.

01:12:47:07 - 01:12:51:03

Narrative that will actually provide a little bit more detailed in terms of what work.

01:12:51:05 - 01:12:52:01

Numbers are.

01:12:52:03 - 01:13:12:18

Obviously the work numbers as we have seen before and the work plans are actually quite broad. So it would definitely assist the examining authority. Terms of understanding the purpose for each and every site and the justification for it, as I said, not just in terms of the extent, but actually what will be the purpose of that specific site and what will be used for.

01:13:15:20 - 01:13:16:24

Budget. Yes, we can.

01:13:16:26 - 01:13:17:13

Look at adding some.

01:13:17:15 - 01:13:19:09
Further detail. Thank you.

01:13:19:21 - 01:13:28:04
We can get an action on that, please. For, um, appendix A to be updated.

01:13:29:20 - 01:13:31:20
Uh, with um.

01:13:32:26 - 01:13:42:17
Provide more detailed justification. On a side by side basis for the extent of land required and the and or temporary possession.

01:13:44:03 - 01:13:44:20
Thank you.

01:13:55:13 - 01:14:04:18
Those are all the questions that I actually wanted to ask on this specific item. In terms of the applicant's case for compost requisition and temporary possession.

01:14:04:25 - 01:14:09:16
Can I ask if anyone else joining us online has.

01:14:09:18 - 01:14:13:14
Any questions that would like to raise on this specific issue?

01:14:23:06 - 01:14:24:24
I don't see any hands raised.

01:14:24:26 - 01:14:30:06
Anyone in the room with us today would like to ask any questions on this specific issue.

01:14:34:19 - 01:14:36:04
No. Um.

01:14:37:17 - 01:14:43:08
I propose that we then move on to the next item, which is statutory undertakers.

01:14:43:22 - 01:14:44:17
So.

01:14:46:08 - 01:14:48:21
Unmindful that we have actually covered parts of.

01:14:48:27 - 01:14:51:18
This item yesterday in the meeting.

01:14:51:20 - 01:14:54:03
But with obviously compulsory acquisitions in.

01:14:54:05 - 01:14:54:24

Mind.

01:14:54:26 - 01:14:56:00

Cannot just ask the.

01:14:56:02 - 01:15:00:09

Applicant to provide DSI with any update in.

01:15:00:11 - 01:15:07:12

Terms of where we are with negotiations with statutory undertakers on any compulsory acquisition.

01:15:07:14 - 01:15:08:11

Issues.

01:15:12:21 - 01:15:15:08

About the applicant? Yes. As as we.

01:15:15:10 - 01:15:16:03

Gave him the update.

01:15:16:05 - 01:15:21:01

Yesterday, discussions are ongoing with each of the statutory undertakers.

01:15:21:08 - 01:15:25:29

Where they own either land or have rights over land where compulsory acquisition.

01:15:26:01 - 01:15:29:10

Powers are being sought. And typically the statutory.

01:15:29:12 - 01:15:31:26

Undertakers are requesting a.

01:15:31:28 - 01:15:32:25

Restriction.

01:15:32:27 - 01:15:35:15

On the use of compulsory acquisition powers.

01:15:36:02 - 01:15:39:27

Unless their consent is obtained. And the protective provisions.

01:15:39:29 - 01:15:41:24

Include that.

01:15:41:26 - 01:15:44:26

Form of restriction in order for the applicant to.

01:15:44:29 - 01:15:46:17

Agree to provide that restriction.

01:15:46:19 - 01:15:48:20

On the use of compulsory acquisition powers.

01:15:48:22 - 01:15:54:29

Voluntary agreements need to be entered into and those are currently being negotiated with each of the relevant.

01:15:55:07 - 01:16:04:11

Statutory undertakers. As we mentioned yesterday, discussions are ongoing with network Rail on two issues.

01:16:04:13 - 01:16:15:17

One is the access across the part of Newbridge Lane, which remains an adopted and part of Network Rail's land, which is the former.

01:16:15:19 - 01:16:16:04

Level.

01:16:16:06 - 01:16:32:12

Crossing and also for rights to install the combined heat and power pipeline and associated infrastructure up the length of the disused railway. And the applicant is hopeful that voluntary agreements for the necessary land rights will be.

01:16:33:03 - 01:16:34:07

Entered into prior.

01:16:34:09 - 01:16:46:29

To the close of the examination. And the applicant is also in advanced discussions with Eastern Power Networks in relation to at least for the token substation site. And there are only a couple.

01:16:47:01 - 01:16:48:15

Of points outstanding.

01:16:48:17 - 01:16:50:08

And therefore the applicant is confident.

01:16:50:10 - 01:16:52:07

That agreement will be reached with Eastern Power.

01:16:52:09 - 01:17:02:01

Networks prior to the close of the examination. Um, since we gave the update yesterday, we've had some further correspondence from the.

01:17:02:03 - 01:17:02:29

Internal drainage.

01:17:03:01 - 01:17:08:23

Boards in relation to protective provisions, and there is only one point outstanding.

01:17:08:25 - 01:17:12:10

Relating to indemnities and mitigation of losses.

01:17:12:12 - 01:17:23:20

So we're hopeful that agreement will be reached on the form of protective provisions in relation to their interests, which are listed in the book of reference and prior to the close of the examination.

01:17:24:02 - 01:17:25:13

Thank you for that update.

01:17:27:03 - 01:17:29:20

Any further questions on this specific issue?

01:17:31:19 - 01:17:33:09

I can foster Torin to take us.

01:17:36:01 - 01:17:37:16

Anyone online or in the room.

01:17:40:06 - 01:17:41:06

In that case, I'll move.

01:17:41:12 - 01:17:43:14

On to item five funding.

01:17:43:16 - 01:17:44:15

And can I please.

01:17:44:17 - 01:17:45:27

Ask the.

01:17:45:29 - 01:17:53:02

Applicant to briefly summarize and advise of any updates to the funding statement?

01:18:01:18 - 01:18:33:17

A pool caring for the applicants. Um, I confirm there's no substantial change to our funding statement. Um, we continue to monitor the the real physical costs of projects such as this. So, for example, next week we have meetings in Switzerland with one of the potential contractors for this project that would build the project for us so that we can keep abreast of how much it might cost. That being the the main part of the cost of the project.

01:18:33:20 - 01:18:49:28

But of course, we keep an eye on all other costs, including costs of finance, which are changing. Um, but other than that, there's no substantial variation in the estimates we are provided and the means by which we will fund fund that money.

01:18:51:01 - 01:18:53:02

Thank you for that information, Mr. Kerry.

01:19:22:00 - 01:19:27:18

And I. I would like us to just very, very briefly.

01:19:27:20 - 01:19:30:13

Touch at the responses.

01:19:30:23 - 01:19:31:19

To.

01:19:32:11 - 01:19:35:07

Exercise. First set of written questions.

01:19:36:23 - 01:19:39:22

There was one specific question that was asked then in.

01:19:39:24 - 01:19:45:12

Relation to funding. Just I'm just waiting for the.

01:19:45:14 - 01:19:46:07

Document to actually.

01:19:46:09 - 01:19:47:11

Load on my computer.

01:20:14:26 - 01:20:16:23

And I would like us to.

01:20:16:25 - 01:20:18:05

Actually, I would just like to.

01:20:18:07 - 01:20:20:04

Explore further. Um.

01:20:22:09 - 01:20:47:13

Your answer to see a 1.1.3 um, in our question was the same guidance as referred to in point one. Point one. Applicants should be able to demonstrate that adequate funding is likely to be available to enable to campus requisition within statutory period following the order being made in that resource. Implications of a possible acquisition resulting from a blight notice have been taken into account of.

01:20:48:06 - 01:20:48:21

Um.

01:20:48:28 - 01:21:12:20

And then your response actually details, um, the valuation of the anticipated campus requisition cost I believe. It then refers to examining authority to the funding statement. That would be volume 4.2 reference AP 016. In terms of the estimated capital costs of the proposed development.

01:21:18:15 - 01:21:22:09

And then also it refers to your response.

01:21:23:08 - 01:21:26:05

To another question.

01:21:28:28 - 01:21:33:10

That the examining authority has asked on this specific issue.

01:21:35:10 - 01:21:37:18

Which is linked with.

01:21:39:11 - 01:21:41:29
GCT point one. Point four.

01:21:55:22 - 01:22:01:11
Which is actually linked with, um. The special purpose.

01:22:01:13 - 01:22:02:07
Vehicle.

01:22:02:09 - 01:22:07:16
Created to deliver the proposed development that is wholly owned subsidiary.

01:22:07:18 - 01:22:09:27
Of Environmental Limited.

01:22:10:00 - 01:22:13:00
Could actually ask for some further.

01:22:13:02 - 01:22:14:00
Information.

01:22:14:02 - 01:22:20:27
In terms of the relationship between the three key organizations that are actually mentioned there, and that would be

01:22:22:12 - 01:22:44:11
as a wholly owned subsidiary of GMB, whose ultimate parent company is NV Energy AG. So could you actually just talk us through? It's quite a it's quite a string of different organisations and I just want to make sure that I actually understand what the relationship is between all of the different organisations.

01:22:45:15 - 01:23:20:02
Paul Carey For the applicant. So it's, it is relatively simple. So at the very top of our organisation we have a company called MV Energy AG, which in German means at Gesellschaft it's the same as a PLC in this country. So they are listed on the Frankfurt Stock Exchange. But the majority shareholder in that company is the city of Mannheim. So it's it's as if the city owns its own company, which is an energy.

01:23:20:26 - 01:23:56:11
But there are some other shareholders in that. And about 4.5% of the shares are traded on the Frankfurt Stock Exchange, which makes them a PLC or an at Gazelle shaft. So they are the top parent company, the ultimate parent company sitting below them, wholly owned is a company called Unfelt GmbH, is the equivalent of limited company in this country. Um, what is the German word for environment? So it's the equivalent of an environment, if you like.

01:23:56:16 - 01:24:27:29
And they are based in Germany, also based in Mannheim, and they are wholly owned by NB Energy. So then owns the company of which I'm a director Environment Limited here in the UK. So our only shareholder is velt and I'm a director of that company, Environment Limited, which has a number of subsidiaries which operate our existing portfolio of energy from waste facilities.

01:24:28:15 - 01:24:58:14

And for this project we have established another subsidiary called Mid Worth Limited. Again, it's wholly owned and I am a director of that company to along with two other gentlemen who are also directors of our other UK companies. So it's all one family. There are no other controlling interests to be concerned with. Um, and the within the UK it's the same three people, myself included, who are directors of all of our UK companies, including the applicant.

01:24:59:04 - 01:24:59:22

Okay.

01:24:59:28 - 01:25:01:17

Thank you for that confirmation. That is.

01:25:01:19 - 01:25:07:23

Useful. Um, can I ask further then in relation to um.

01:25:09:13 - 01:25:14:27

Your response to this specific issue, Um, the examining authority then.

01:25:14:29 - 01:25:15:29

Asked.

01:25:16:09 - 01:25:18:15

In terms of the role of guarantor.

01:25:18:17 - 01:25:19:02

And.

01:25:19:04 - 01:25:21:22

Who was going to actually be carrying out this.

01:25:21:24 - 01:25:22:09

Role.

01:25:22:11 - 01:25:25:20

Could you talk us through that, please?

01:25:26:23 - 01:25:28:11

At collaborative with the applicant?

01:25:28:18 - 01:25:30:02

Yes. As we said in the response.

01:25:30:04 - 01:25:35:13

To GCT .1.4 and the.

01:25:35:28 - 01:25:37:01

The selected.

01:25:37:03 - 01:26:11:15

Guarantor would depend on the size of the guarantee required. So the the way that the guarantee is worded is that a guaranteed guarantee must be in place before the powers are exercised in relation to that land. So the applicant is not anticipating to need to utilise all of the compulsory acquisition

powers that are being sought because it is obviously seeking and has obtained a number of voluntary agreements, but it is likely that it may need to utilise some of the compulsory acquisition powers.

01:26:11:17 - 01:26:45:24

For example, if agreement cannot be reached with Fenland District Council, depending on the size of the land and the value of the land, that will determine who is the most appropriate company to provide the guarantee, whether it can be provided by the applicants. Immediate parent company in the UK, which is environment limited, or whether the amount of the guarantee is sufficiently high that it requires one of the parent company guarantors to provide that. The way the article is drafted is that it's for the Secretary of State to determine whether it is.

01:26:45:26 - 01:26:47:17

Satisfied that the.

01:26:47:22 - 01:26:51:18

Entity providing the guarantee is of official.

01:26:52:01 - 01:26:54:09

Sufficient environmental standing and.

01:26:54:11 - 01:26:56:15

The applicant would provide the necessary.

01:26:56:17 - 01:26:59:13

Evidence when it's submitted the guarantee for approval.

01:26:59:15 - 01:27:03:20

And that is the standard way that the department operates.

01:27:04:25 - 01:27:06:21

Thank you for that confirmation.

01:27:07:04 - 01:27:09:15

Nevertheless, for the purpose of this examination.

01:27:09:17 - 01:27:10:02

And for the.

01:27:10:04 - 01:27:11:29

Purpose of this hearing, can I just.

01:27:12:01 - 01:27:14:15

Clarify, um, what.

01:27:14:17 - 01:27:17:24

Sort of discussions have you actually had with those.

01:27:17:26 - 01:27:18:12

Three.

01:27:18:14 - 01:27:19:19

Organisations that could.

01:27:19:21 - 01:27:21:27

Potentially become a guarantor?

01:27:21:29 - 01:27:25:27

And what sort of evidence could you provide the examining authority.

01:27:26:12 - 01:27:30:12

To, um, guarantee us.

01:27:30:14 - 01:27:37:18

As part of our examining of the proposal, that there is a reasonable degree of confidence that those agreements would actually.

01:27:37:20 - 01:27:38:19

Be in place?

01:27:40:22 - 01:28:20:24

Airport carry for the applicants. Um, as a matter of normal business practice, I have regular discussions with my bosses and and their bosses in the upper levels to to appraise them of the progress on this project and the application and the role that they might play in terms of being a guarantor. If you wish, I can get them to confirm their understanding of the project in a letter that addressed to yourself so that you can see for them, for yourselves directly that they have been appraised of all the details necessary for them to make a decision.

01:28:21:12 - 01:28:37:27

But as Ms.. Broderick says, the level at which the guarantee would be issued depends on the value and the nature of the guarantee. So that would be something that would be decided later on, I suspect. But as I can offer some letters, if that would help.

01:28:38:09 - 01:28:41:04

Yes, that will be helpful. Just to clarify.

01:28:41:06 - 01:28:44:11

My point, I do accept that that it would.

01:28:44:13 - 01:28:45:08

Depend.

01:28:45:10 - 01:28:50:09

On the overall value. But your justification in your.

01:28:50:11 - 01:28:59:15

Response to this specific issue, to the examining authority is, as I understand it, that there are three possibilities. Therefore, the examining authority needs to be.

01:28:59:17 - 01:29:00:10

Confident.

01:29:00:12 - 01:29:03:06

That those three possibilities are actually in play.

01:29:03:08 - 01:29:04:15

So, yes.

01:29:04:27 - 01:29:27:10

A statement that would be able to confirm that to the examining authority covering those three possible organisations would be useful. I do understand that you can't decide at this point in time which of the organisations would be. Hence why I think it will actually need confirmation from all of the organisations that your justification for this will rely upon.

01:29:27:12 - 01:29:29:06

So yes.

01:29:29:08 - 01:29:30:10

That be helpful.

01:29:30:12 - 01:29:35:01

Is that. Yeah. Can I get an action on that please as well? Yes sir.

01:29:37:29 - 01:29:39:03

Uh, can I ask if.

01:29:39:05 - 01:29:42:01

Anyone else has any further questions in terms of funding?

01:29:46:24 - 01:29:48:12

Online or in the room.

01:29:51:25 - 01:29:52:24

I can't see any.

01:29:52:26 - 01:29:56:11

Hands raised, so I will.

01:29:56:13 - 01:30:09:07

Then in that case, just move on to item six review of the issues and actions arising. So as you can tell, we have been making notes of the actions mentioned following from today's meeting. I don't intend to.

01:30:09:09 - 01:30:10:23

Go through them now.

01:30:10:25 - 01:30:17:18

In detail, but we'll be writing those up and publishing them as soon as practicable. And that will lead us.

01:30:17:20 - 01:30:18:22

To item.

01:30:18:24 - 01:30:19:25

Seven, which will.

01:30:19:27 - 01:30:24:27

Be IOB. Uh, can I ask online.

01:30:24:29 - 01:30:29:09

First of all, if anyone has any other business that would like to.

01:30:29:11 - 01:30:29:29

Raise.

01:30:34:00 - 01:30:39:20

I don't see any hands online. Can I ask for those present in the room? If there is any other business.

01:30:39:22 - 01:30:41:09

That anyone would like to raise?

01:30:45:24 - 01:30:46:16

Applicant.

01:30:48:27 - 01:30:51:10

Equity of the appellant. No. No other business from us.

01:30:52:03 - 01:30:53:01

Thank you very much.

01:30:57:02 - 01:30:59:00

If there are no.

01:31:00:08 - 01:31:16:26

BS from anyone else. I actually do have a specific question, which is a more general point, and so the applicant needs covering letter to deadline one submission rep 1027 states that table one should include a reference.

01:31:16:28 - 01:31:17:27

To a to.

01:31:17:29 - 01:31:20:22

Documents that would cover the action list from.

01:31:21:16 - 01:31:22:10

One.

01:31:23:15 - 01:31:31:28

Um, can the applicant just direct the EXI to this specific document so the responses.

01:31:33:24 - 01:31:34:19

To.

01:31:36:15 - 01:31:37:16

The action list.

01:31:42:05 - 01:32:00:29

I put for the applicant. And so the responses to the actions from H1 are contained within the appendix to the applicant's written summary of its oral submissions at one which was rep 1-057.

01:32:02:18 - 01:32:03:03
And.

01:32:20:13 - 01:32:25:25
Apologies. It's not actually a separate appendix. It's just, um, at the end of the summary.

01:32:25:27 - 01:32:29:23
So page 27 onwards of of.

01:32:30:07 - 01:32:32:20
Is rep 127.

01:32:33:06 - 01:32:37:08
Sorry, rep 1-05757.

01:32:37:10 - 01:32:47:06
Yes. And then that's it lists out the actions which were ap um, 1 to 9 and the responses are listed there.

01:33:02:21 - 01:33:03:09
But yes.

01:33:03:18 - 01:33:04:09
That's that's.

01:33:04:15 - 01:33:06:01
That's helpful. Thank you very much.

01:33:15:23 - 01:33:20:10
Uh, is there any other job? Any other business.

01:33:22:04 - 01:33:23:06
In that case, I'll move.

01:33:23:12 - 01:33:24:23
On to item eight.

01:33:24:25 - 01:33:32:09
Closure of hearing. So thank you all for contributing so fully and usefully to this meeting. We will consider all submissions made.

01:33:32:11 - 01:33:34:15
Carefully at the next.

01:33:34:17 - 01:33:40:19
Hearing. In this examination is compulsory acquisition Hearing two, which is due to start at 2.

01:33:40:21 - 01:33:44:16
P.m. today and will be held as a hybrid event in.

01:33:44:18 - 01:33:47:24
The time is now 1133.

01:33:48:03 - 01:33:49:05
And.

01:33:49:07 - 01:33:53:25
The compulsory acquisition hearing number one for the midwife met with.

01:33:54:09 - 01:33:55:23
Energy from Waste.

01:33:56:10 - 01:33:58:04
Limited is now closed.

01:33:58:06 - 01:33:59:06
Thank you very much.