

File Name: CAH3 - 29 June 2023_Part 1

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FULL TRANSCRIPT (with timecode)

00:00:05:00 - 00:00:09:10

Good afternoon, everyone. Can I just confirm that everyone can hear me clearly?

00:00:11:04 - 00:00:46:08

Yes. Can also confirm with Stuart Avis that the live streaming and recording of this event has commenced. Thank you. For those people watching the live stream can also advise that should we at any point adjourn the proceedings this afternoon, we will have to stop the live stream in order to give us a clear recording files. 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. I will remind you of this again should we need to adjourn? It's now 2:00 and it's time for this hearing to begin.

00:00:46:10 - 00:01:23:14

I would like to welcome you all to this compulsory acquisition hearing. Dealing with the compulsory acquisition and temporary possession matters in relation to an application made by mid with limited, who we will refer to as the applicant for an order granting development consent for the Bedworth energy from Waste Combined Heat and Power facility. The development proposed 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.

00:01:24:02 - 00:01:43:03

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

00:01:43:22 - 00:02:00:01

Thank you, Mrs. Makinson. Good afternoon, everyone. My name is Andre Pinto. I am a chartered town planner employed by the Planning Inspectorate and 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.

00:02:01:09 - 00:02:36:06

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 Tracey Williams. Tracey is being supported here today by Mr. Bozos. If you have any queries about the examination process or the technology we are using for virtual events, this should be your first point of contact. 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.

00:02:36:15 - 00:03:07:11

And I'll 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 and 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.

00:03:08:04 - 00:03:38:09

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 our participating through teams in order to minimize background noise, can you please make sure that you stay muted unless you are 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 may not get to you immediately, but we will invite you to speak at the appropriate time.

00:03:38:21 - 00:04:10:21

I would also like to remind people that the chat function on Microsoft teams has been deactivated, so please do not try to use this at any point. If you do not manage to ask your question or is your point at the relevant time, there will be an opportunity at the end of the meeting to raise this under agenda item seven. We will seek to allocate sufficient time to each issue to allow its proper consideration. We anticipate that we will finish within an hour and a half. However, if the discussion goes beyond this timescale, we will review at the time and may take a break if needed.

00:04:11:02 - 00:04:41:11

Thank you. We will make sure with that. However you've decided to attend today, you'll be given a fair opportunity to participate. 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 has finished. With this in mind, please ensure that you speak clearly into a microphone stating your name and who you're representing each time before you speak.

00:04:41:22 - 00:05:12:03

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 the microphone, there is a roving microphone. So please wait for one 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's an area at the very back of the room out of the camera shot, so please use that area. Because the digital recordings that we make are returned and published.

00:05:12:05 - 00:05:45:18

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 wish to be kept private or that is confidential. If you feel that personal information is necessary, please provide this in a written document that we can redact before publication.

00:05:46:10 - 00:06:20:13

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 everyone here today is 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. Please speak to Tracie Williams if you have any questions about this. This meeting will follow the agenda as published on the 19th of June 2023.

00:06:20:22 - 00:06:52:17

It would be helpful if you had a copy of this in front of you. To summarize the agenda, Item one is the welcome introductions and arrangements for this compulsory acquisition hearing. Item two will outline the purpose of the compulsory acquisition hearing. Item three will cover site specific issues for the applicant. Item four will cover site specific representations by affected persons. Item five will cover site specific issues from statutory undertakers. Item six will review the issues and actions arising.

00:06:52:19 - 00:07:26:14

Item seven is any other business. In item eight is closure of the hearing. 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 can you just indicate that you need to respond in writing and we will advise you when it would be best to submit your response or issue in writing to us.

00:07:26:20 - 00:07:31:08

Thank you. Does anyone have any questions on what we've just set out?

00:07:33:24 - 00:08:08:00

Okay, so now I'll move on to introductions. I'm now going to ask those of you who are participating in today's meeting to introduce yourselves. When state your organization's name, could you introduce yourself stating your name and 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. Please everybody also state how you wish to be addressed. So can we start with the applicant, please, and any of their advisors?

00:08:10:04 - 00:08:24:10

Good afternoon. My name is Claire Butterick. I'm a legal director at Pinsent Masons LLP Solicitors For the Applicant. I'm joined today by a number of the applicant's team and I'll let them introduce themselves. I can be referred to as Ms.. Broderick. Thank you. Thank you.

00:08:27:14 - 00:08:35:18

Good afternoon. I'm Miss Karen McCray. I'm the head of development for Mvb here on behalf of the applicant and can be addressed as Miss McCray.

00:08:36:08 - 00:08:36:23

Thank you.

00:08:38:15 - 00:08:48:06

Good afternoon. My name is Paul Carey, managing director of Environment Limited. And the applicant. You may call me Mister Carey. Thank you.

00:08:51:00 - 00:08:57:10

Good afternoon. Tim Marks for the applicant and you can refer to me as Mr. Marks.

00:09:00:18 - 00:09:01:16

Good afternoon.

00:09:01:19 - 00:09:09:02

My name is David Kenyon, WSP technical Director. On behalf of the applicant. And you refer to me as Mr. Kenyon. Thank you.

00:09:11:15 - 00:09:16:01

Clever trick. The applicant. That concludes the applicants team for today's hearing. Thank you.

00:09:16:03 - 00:09:29:10

Thank you for that. Okay, so now if I can 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 can introduce yourself and let us know on which agenda item you wish to speak.

00:09:33:19 - 00:09:50:10

I don't think it's anyone in the room today who wishes to speak. So I'll move on to virtual attendees. If you're with us again on Microsoft teams today and wish to speak. Would you please raise a virtual hand? And again, if you could introduce yourself and let us know the agenda item on which you wish to speak.

00:09:55:00 - 00:10:01:12

There are no raised hands, so I'll move on. If I can hand over to Mr. Pinto, who will lead on agenda item two.

00:10:04:00 - 00:10:42:20

Thank you, Mrs. Morgenson. Um, let me briefly explain 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 the provisions within the draft DCO seeking to authorise the compulsory acquisition of land and or rights over land access and assess whether the conditions relating to the land and or rights being required for the proposed development or required to facilitate or be incidental to that proposed development are met.

00:10:43:13 - 00:11:14:23

Assess whether there is a compelling case in the public interest for the land to be acquired compulsorily and to discharge the excise duty. To hear persons affected by compulsory acquisition and or temporary possession, which are referred to as affected persons who request to be heard. As previously mentioned, an agenda for this meeting was published on the 19th of June of 2023. Today's hearing will be a structured discussion and discussion led by the Examining Authority.

00:11:15:20 - 00:11:52:07

Please be assured that we are familiar with what you have already submitted to us so you don't have to repeat in lines anything that you have already put to us in writing. Submissions carry equal weight regardless of the format in which they are put to us. And if you do refer to any documents this morning, it would be helpful if you could give us the correct examination library reference number. We are aware that due to this short time frame between the issuing of this agenda and Deadline five, the agenda was issued without the references for deadline five submissions.

00:11:53:00 - 00:12:04:01

Um, but we will rely today on some of those documents and therefore will confirm their references once I introduce the others being discussed today. And.

00:12:05:24 - 00:12:15:08

Please try to avoid using any acronyms as people who might be watching in the room might not be as familiar with those terms as you are.

00:12:16:24 - 00:12:47:08

Uh, I will now go through the specific items, uh, specific documents that have confirmed on the agenda, but only highlighting the ones that refer to Deadline five to confirm the references of those

documents. And that would be the applicant's response to two action points. Action point six, that's Rep five, L3 six and the National Highways Response to Exit two.

00:12:47:10 - 00:12:54:02

That's Rep 5051. And any questions on what have just played out.

00:12:57:03 - 00:12:57:20

Online.

00:13:00:17 - 00:13:05:12

I don't see any hands raised in the room or in line, so I will press on.

00:13:07:00 - 00:13:37:21

I'll move then. In that case, to item three, which is site specific issues for the applicant. And in this item want to discuss site specific issues for the applicant. And my first question is for the applicant. Um, and can I ask the applicant to please confirm if the latest version of the compulsory requisition schedule? And I think I believe that that is for all 13 lists. As far as the applicant is aware, all the ongoing negotiations with affected persons.

00:13:41:05 - 00:13:56:05

Pepper Jack for the applicant. Yes, the it does. However, the applicant can provide an update on the status of negotiations that have happened since the deadline for submission at today's hearing, if that would be of assistance.

00:13:56:18 - 00:14:24:12

Yes, but before we do, could you also please recap the differences and remind everyone the differences between table 1.1 and 1.2 of compulsory acquisition schedule? I know that this issue was covered on a previous compulsory acquisition hearing, but nevertheless, I think it might be useful for us to remind ourselves of that and then if we could actually take each one of those into in detail, that would be useful. Thank you.

00:14:38:23 - 00:15:12:12

Project the applicant and certainly as set out in the compulsory acquisition schedule that was submitted at deadline for table one. Point one identifies those affected persons where the applicant has made reasonable attempts and continues to make reasonable attempts to acquire the land or rights over land required for the proposed development by voluntary agreement. Table 1.2 identifies those affected persons who have interests listed in the book of reference and therefore qualify as being an effective person.

00:15:12:14 - 00:15:35:22

But where the applicant does not consider it necessary to enter into a voluntary property agreement with that affected person because they are either not the landowner or the tenant, nor do they have the benefit of a restriction or restrictive covenant on the use of the land that would be extinguished, suspended or interfered with by the proposed development and therefore would require some form of voluntary agreement to be entered into.

00:15:36:18 - 00:16:07:07

Thank you for that clarification, Ms.. Broderick. And since I see that table 1.2 and relates a substantial part of the table, point two relates to businesses located along Alcoa's way that benefit from access via the private section of Al Gore's way. That, I believe has been confirmed by federal industry counsel, is in their ownership.

00:16:07:17 - 00:16:41:16

And I know that we don't have any representatives at the moment with us from Fenland District Council, but nevertheless, I would like on record to be the question that we would like Fenland District Council to actually pronounce itself for comment on this specific issue and the affected persons identified in table 1.2. But considering that we don't have any representative from Fenland Council, I propose that we defer this question to written questions, but I just wanted to get that on record.

00:16:42:24 - 00:17:02:16

So going back to the applicant and could the applicant please talk us through the compulsory acquisition schedule, particularly focusing on all sites where objections to have not yet been resolved and provide an overview of the reasons why an estimate, the timetable to resolve any outstanding issues, please.

00:17:04:24 - 00:17:35:21

A clever trick. Yes, certainly. So I'll go through the persons listed in table 1.1 and provide an update since the deadline for submission in respect of National Highways Limited. Negotiations are continuing in respect of both the protected provisions to be included within the draft development consent order and an easement for the grid connection and the water connection.

00:17:36:14 - 00:18:03:02

The documents are currently with National Highways Limited's in-house solicitor and she has confirmed that she will respond to the applicant prior to deadline six so that we should hopefully therefore be able to provide a more substantial update in our Deadline six submission. But we remain confident that agreement will be reached with national highways prior to the end of the examination.

00:18:04:07 - 00:18:05:12

Thank you, Miss Broderick.

00:18:07:13 - 00:18:39:06

In respect of Norfolk County Council. There is no real change since the deadline for update in relation to its role as highway authority. No property agreement is required in respect of it being the landowner. However, there have been a number of updates in relation to the traffic related management plans as were outlined at the specific hearing on Monday.

00:18:39:08 - 00:19:23:22

So it's a specific hearing six designed to address some of the concerns raised by both Cambridgeshire County Council and Norfolk County Council, particularly in relation to matters such as impacts on Non-motorized users, for example. And the applicant therefore is confident that the outstanding issues will be resolved and that will be reflected in the statement of common ground that submitted. Okay. In relation to Anglian Water Services Limited, the examining authority will have seen Anglian Water's most recent submissions confirming that any technical concerns they had relating to the proposed development have been resolved.

00:19:24:24 - 00:19:47:11

There are a couple of minor outstanding points in relation to the protected provisions that are currently with Anglian Water's in-house solicitor to confirm or agreed, but because they are fairly minor in nature, the applicant is confident that those will be agreed, hopefully at deadline six, but definitely before the end of the examination.

00:19:49:09 - 00:20:25:24

In relation to the internal drainage Board, so both the King's Lynn Internal Drainage Board and the 100 Wisbech Internal drainage Board, there have been a number of discussions since deadline for with both internal drainage boards regarding some further provisions that they would like to be included in

the protected provisions for their benefit that are in the draft DCO. There's also a short side agreement being drafted to give some further clarity on the procedures that they've requested.

00:20:26:17 - 00:20:39:10

The principles of those points are agreed and as with solicitors for drafting and therefore the applicant is confident that their concerns will be resolved and the agreement will be reached prior to the end of the examination.

00:20:41:06 - 00:21:04:12

In relation to Cambridgeshire County Council. The examining authority will have heard the discussions are ongoing in relation to the Section 278 agreement that's required to facilitate the access improvements. That ties in to the change application, which notice for later in the agenda and perhaps we can come back to discussions with Cambridgeshire.

00:21:05:01 - 00:21:07:24

On this project. Did we cover?

00:21:14:09 - 00:21:21:11

Oh, I see. Please. Please continue. Yes, continue. I noticed that it was my confusion. Please continue.

00:21:22:07 - 00:21:57:21

Authentic laboratory of the applicant? Yes, As I was just saying, we discussions are ongoing with Cambridgeshire County Council in relation to the protective provisions for their benefit as Highway authority and also the draft section 278 agreement. Um, there are a couple of further amendments required to the protected provisions that have been agreed that will be included in the deadline, sixth version of the draft DCO. And discussions are ongoing in relation to the draft Section 278 agreement that's currently with Cambridgeshire County Council's solicitor for comment.

00:21:57:23 - 00:22:28:09

But there were very few outstanding points in the latest version of the draft document in circulation. So the applicant therefore remains confident that that agreement will be concluded prior to the end of the examination. Subject to some of the points that were mentioned in relation to the change application at the hearing. Six on on Monday. In relation to Fenland District Council, there is no change.

00:22:28:19 - 00:23:01:13

The applicant remains willing to enter into negotiations with Fenland District Council. However, they've decided not to engage with the applicant regarding a voluntary agreement, so there is no further progress to report since deadline for and respect to Fenland District Council in respect of Mr. Cowling. Negotiations are ongoing and the applicant is in continued discussion with Mr. Cowling. And the latest position is that we're waiting for comments back from Mr.

00:23:01:15 - 00:23:28:03

Cowling on the proposed set of terms that have been sent to him. And the applicant remains hopeful that they can reach agreement prior to the end of the examination. This relates to acquisition of new rights and and land in relation to a small section of the frontage of the property to enable the road widening so the access improvements on new bridge lane to be undertaken

00:23:29:21 - 00:24:01:17

in relation to network rail infrastructure Limited. Um, there has been progress since deadline for the applicant met with network rail officers last week. There have been a number of email exchanges since then and the applicants solicitors had a meeting with network rail solicitors yesterday in relation to the draft documents that are required for both the connection and also relating to access.

00:24:02:03 - 00:24:40:16

As was mentioned at the issue specific hearing on Monday. There have also been discussions between the applicant Network Rail and Cambridgeshire County Council in relation to the formalisation of a permissive path for Non-motorised users and various emails relating to the type of signage that could be put in place and the applicants therefore hopeful that agreement will be reached both with network rail in relation to the rights required from them and also to address the concerns raised by Cambridgeshire County Council about the status of the section of Newbridge Lane that crosses the disused railway.

00:24:43:02 - 00:25:13:09

In relation to well stream limited. The status is as per the deadline for update. The applicant has provided details in relation to the acoustic fencing and is waiting for a response back from that. But the applicant remains hopeful that agreement can be reached prior to the end of the examination with World Stream Limited. Who are the owners of Number ten New Bridge Lane.

00:25:13:24 - 00:25:46:07

Thank you. Now, if if we could stop there for a moment. Um, I am mindful that we are reaching, um, we are actually quite a significant way through the examination process, and I don't see significant changes between the first schedule that was submitted and what is being what was submitted at that line for and what the update is now.

00:25:46:19 - 00:25:47:09

Um.

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There isn't one single organization

00:25:56:00 - 00:26:11:01

that you have mentioned today that that that does not have an objection outstanding according to the table. So what does the applicant propose to do in order to try and address this issue?

00:26:13:09 - 00:26:48:14

The applicant as the examining authority will no doubt be aware. There are detailed agreements that are being negotiated, particularly with statutory undertakers. And whilst it's correct that we're not able to say agreement has been reached, there has been progress in relation to the number of outstanding points that there remain between the parties, but because those are confidential agreements that are being entered into. The applicant can't provide further detail as to the nature of the particular provisions that are still to be agreed.

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In our experience, it is quite common, unfortunately, for agreements with statutory undertakers to

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be only be resolved near to the end of the examination, mainly due to resources and and the availability of statutory undertakers who obviously involved in a great number of development consent order applications. But we remain confident that agreement will be reached and there are only a few outstanding matters in relation to particularly Anglian Water and the Internal Drainage Board and National Highways.

00:27:27:02 - 00:28:01:00

Thank you, Ms. Broderick. Um, I understand that negotiations are ongoing and do understand that there are matters that are obviously confidential and sensitive for both organisations involved.

Nevertheless, I am still looking at objections outstanding. Um, and I do understand and I do agree in terms of there is perhaps a. A degree of frequency in which these sort of agreements get switched at the end of the examination.

00:28:01:02 - 00:28:27:01

But that is exactly what I'm trying to highlight here, is that we are actually reaching that stage and nevertheless, we still have the same objections outstanding as we did in deadline for. So hence why I'm asking in terms of what are the plans for the applicant, what plans does the applicant have in terms of addressing this if this cannot be addressed within the timetable of the examination?

00:28:30:04 - 00:28:35:19

Claire. Bridget, the applicant. So it's perhaps easiest to deal with

00:28:37:07 - 00:29:13:09

the sort of two different types of affected persons. So in relation to that being sort of landowners and then separately landowners or the holders of rights who are also statutory undertakers for the purposes of the Planning Act. So in respect of those parties who are of just are solely landowners and not statutory undertakers, obviously the applicant remains hopeful that it will reach agreement. It is set out both in the statement of reasons and also in the updates that's provided during the examination of the reasonable attempts.

00:29:13:11 - 00:29:53:11

It is made to negotiate with persons who have an interest in land and acquire a voluntary agreement from them where where necessary. However, in the event that voluntary agreement cannot be reached by the end of the examination, then the applicant has stated in the statement of reasons that the latest version was rep 3-010 why the applicant considers there is a case for compulsory acquisition of the land and those rights and why there is a compelling case in the public interest for compulsory acquisition powers to be granted.

00:29:53:21 - 00:30:47:04

So if a voluntary agreement wasn't reached, then the applicant would be seeking to utilise the compulsory acquisition powers that it is seeking in the draft development consent order in relation to statutory undertakers. The applicant will need to satisfy the tests set out in section 127 of the Planning Act and there are section eight of the statement of reasons sets out the relevant tests, and the applicant's position is that the protected provisions that it has included in the draft that whilst they're not agreed to by the relevant statutory undertakers, the applicant considers that they are suitable for ensuring that there won't be any serious detriment to the carrying on of that statutory undertakers undertaking.

00:30:47:13 - 00:31:18:07

And as is normally the case, if we get to deadline seven and there are still outstanding objections, then the applicant would submit a more detailed section 127 statement setting out why it considers that the Secretary of State can be satisfied that there won't be serious detriment to the carrying out of the statutory undertakers undertaking and therefore the necessary rights and powers in the draft development consent order can be granted by the Secretary of State.

00:31:19:09 - 00:31:19:24

Okay.

00:31:20:09 - 00:31:22:24

Thank you. Now.

00:31:25:15 - 00:31:31:00

Could the applicant provide us with a quick update on table 1.2 then, please?

00:31:33:16 - 00:31:44:20

Much. Just sorry. Sorry to interrupt. Just to highlight if there have been any changes. Really think that if there haven't been any changes, then think that we have covered it previously.

00:31:45:23 - 00:32:17:01

Clear portrait of the applicant. As previously mentioned, we don't believe a property agreement is required with those persons. However, discussions have been ongoing, in particular with the business owners along our way and this morning representatives for the applicant, including Mr. Kerry and Mr. Marks, met with a group of business owners along our causeway to discuss the proposed development.

00:32:17:13 - 00:32:50:01

And there are a number of actions for the applicant to update the outline construction traffic management plan and the outline construction environmental management plan to include some additional clarification and provisions to address some of the concerns that were raised at that meeting. So whilst there isn't an update from a sort of property perspective, there have been discussions and we believe that those changes will go someone some way to addressing some of the concerns that they've raised in their written submission.

00:32:50:03 - 00:32:55:06

And when does the applicant expect that update to be made available and submitted to examination.

00:32:55:24 - 00:32:58:24

Project for the applicant? And that will be submitted at deadline six.

00:32:59:10 - 00:33:00:12

Thank you very much.

00:33:13:23 - 00:33:58:22

Right, and thank you very much for that intervention. Um, I would now like for us to discuss particularly issue linked with representation made by the resident of ten Newbridge Lane. That's Rep 4046. Can the applicant please clarify how it seeks to reflect all relevant known land interests in relation to ten Newbridge line in the Book of reference? Um, I ask this because the latest update that was submitted off the book of reference did not seem to actually reflect the latest information that we have in terms of the resident of tenure.

00:33:58:24 - 00:34:07:01

Ridgeline So my question is, does the applicant, um, has any plans to actually update and make that information more accurate?

00:34:11:12 - 00:34:21:01

Her clear project of the applicant. And I believe the response from the resident of ten new Bridge Lane, which was.

00:34:23:07 - 00:34:55:04

Submitted at deadline four was received after the previous film. The most recent version of the book of Reference was submitted into examination at Deadline three. And therefore, when the applicant provides the next version of the book of reference, in accordance with the examination timetable, they will update the entry which is currently listed the occupier as being unknown to refer to Miss Morton specifically.

00:34:56:13 - 00:35:34:08

Okay. Thank you very much, Ms.. Broderick. Um. It's stated in the agenda and without prejudice to the to the examining authority's position in relation to the request submitted by the applicant to make changes to the proposal. The examining authority would like to ask the applicant to explain, please, the need for the proposed changes and to confirm its position in relation to compulsory acquisition. I know we have again touched on this specific topic at the hearings this week, but for the purposes of a compulsory acquisition hearing, I think it is important for us to reiterate this point and have this discussion.

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So over to the applicant, please.

00:35:37:11 - 00:36:13:09

Clear for the applicant. So the applicant submitted a change application report, which is document dash 028, which set out in detail the two minor amendments that the applicant is seeking to make to the order limits. The first change relates to the junction of Cromwell Road and Newbridge Lane to facilitate the carrying out of access improvements and the Signalization scheme that has been being discussed between the applicant and Cambridgeshire County Council.

00:36:15:01 - 00:36:59:03

And the second change relates to minor amendments to the order limits to install to dropped kerbs to the existing pavement on salters way. Neither change instigates or the compulsory acquisition regulations 2010 because neither change involves additional compulsory acquisition powers being sought. However, in relation to change one as a result of the applicant being informed that part of the existing sort of junction arrangement is not publicly adopted highway due to

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it just not having been certified as being complete by Cambridgeshire County Council. There is a section that is still owned by Tesco following the construction of the large Tesco store on Cromwell Road. And because there is some uncertainty as to when that section of Newbridge Lane will be adopted as public highway, the applicant has included a power for temporary possession over that land and that is a new plot 12 for B, which is shown in graphic.

00:37:39:05 - 00:38:18:24

One of that two change application reports that mentioned and also the updated land plans that were submitted a part of the of the change application. The applicant considers that there is as an option as to how it will implement those works, either using Article 11 of the draft, which applies to both publicly adopted highways but also private streets where control is retained by the street or authority in the same way that the adopted section of our Causeway Fenland District Council Street Authority here.

00:38:19:12 - 00:39:01:10

Technically, it would be Tesco that were the street authority, as it were, for that tiny corner of kind of corner of Newbridge Lane. So we have that that power. But because, um, because there is some uncertainty in relation to its status, the applicant thought it was proportionate to also include the temporary possession powers over that area of land in case there was some concern in case its clarity as a street was called into question. So temporary possession powers are being sought in order for the applicant to enter on to that area of land and carry out the junction improvement works that are required.

00:39:01:21 - 00:39:23:23

However, the applicant doesn't consider that it is appropriate or necessary for the applicant to regularise the position, and that's a matter between Cambridgeshire County Council and Tesco as to

whether that the land should be adopted as part of the public highway and only the landowner can facilitate. Such as adoption.

00:39:24:16 - 00:39:25:06

Um,

00:39:26:19 - 00:39:59:15

thank you for that, Miss Broderick. Uh, can I also ask you to please comment on need? Because obviously, in terms of for the purposes of this hearing, we would also need to be satisfied in terms of relationship of needs and the need for the land. Um, so could you please explain further what are the implications or for the proposal of not being able to secure this additional land and what intensified the need for this additional land, Please.

00:40:02:01 - 00:40:59:10

A club project for the applicant in respect of the area that's shown. Coloured green where temporary possession powers are being sought. This is required in order to deliver the Signalization scheme that is has been requested by Cambridgeshire County Council. If Cambridgeshire County. If compulsory acquisition powers were sorry if temporary. Temporary possession powers were not to be granted. As was discussed at the hearing on issue specific issue specific hearing six on Monday, there are a number of different ways in which access to this area of land could be facilitated, so including ensuring that the the land was adopted as public highway by sorting the dedication process under the existing agreement.

00:40:59:12 - 00:41:32:13

The applicant also notes that in the agreement between Cambridgeshire County Council and Tesco, there are also stepping powers for Cambridgeshire County Council. So if it wished to go on to that area of land and rectify whatever issues there are preventing the adoption, it could choose to do so if it wished to. The applicant also believes, obviously, that that as part of the highway, there may be other highways powers that are available and therefore could be could be utilised.

00:41:32:15 - 00:41:51:09

So the applicant feels that there there are there is there are ways in which the Signalization scheme could be facilitated. It's probably worth reiterating that this is something that has been requested by Cambridgeshire County Council. The applicant's own modelling

00:41:53:13 - 00:42:26:13

and junction designs did not include this this additional area of land. However, in order to satisfy the requirements of the highway Authority, the applicant considers that there is therefore a case for temporary possession over this land would note, obviously its status at the moment as well. It is on the ground quite clearly part of what appears to be part of the highway and the junction, and therefore we don't consider that Tesco would suffer any inconvenience or a loss as a result of this.

00:42:26:15 - 00:42:52:16

And think, as we mentioned at issue specific hearing six The applicant is in discussions with Tesco's Estates Department and we are trying to get the matter resolved that way as well through those channels and we're hopeful that by the end of the non-statutory consultation on on the proposed changes that we will have some form of written confirmation from Tesco's that they don't object to the powers that are being sought via the proposed changes application.

00:42:53:03 - 00:43:04:01

Thank you, Ms. Broderick. Can I ask if there is anyone else with us today that has any specific questions on the issues that we just covered?

00:43:09:20 - 00:43:22:00

I don't see any hands raised. So if no one has any further questions on item three site specific issues for the applicant, I would propose that we actually move on to item four.

00:43:24:06 - 00:44:09:21

I don't see any hands raised. So move us on to item four, which is site specific representations by apps. So on item four, I would like to first of all ask if, um, for, for the record, again, ask if any affected persons have any outstanding concerns in relation to compulsory acquisition on in relation to temporary possession for the land which they own and or occupy that have not been addressed by the applicant, considering that we do not have a significant proportion of the affected persons with us today, I propose that we actually defer this matter to written questions as well.

00:44:09:23 - 00:44:14:05

But I wanted to actually get to this question on the record, please. Um.

00:44:20:02 - 00:44:56:23

I would then like us to, um, move on to again the representation that we have received from resident of ten Newbridge line. And that is deadline for rep for 046 where it was requested that we hold a compulsory acquisition hearing. I note that the resident is not with us today. Nevertheless, can I please ask the applicant to justify the need or not for CI for compulsory acquisition in relation to ten newbridge line and why compulsory acquisition of this property is not being pursued.

00:44:59:20 - 00:45:33:12

A project for the applicant in relation to ten Newbridge Lane. The applicant is seeking the acquisition of rights only and the acquisition of rights to install and maintain an acoustic fence. And the acoustic fence is required for noise mitigation and was identified through the environmental statement, which is App 034 and the

00:45:35:08 - 00:45:48:19

requirement to have that noise mitigation via the acoustic fence prior to the commencement of construction of the authorized development is secured by a requirement 19 of the draft.

00:45:52:01 - 00:46:37:07

And the purpose of the acoustic fence is to reduce noise effects at that property so that they would be not significant because that form of mitigation has been identified as being available and appropriate and would have the impact of reducing effects to being not significant. The applicant considers that the acquisition of rights only is proportionate. It is important that the applicant only seeks rights that are necessary and not more, and the applicant feels that the acquisition of the whole of the property would be disproportionate because there is a solution in respect of the installation of acoustic fence, which is less than the acquisition of the whole property.

00:46:37:09 - 00:47:03:02

That would suitably reduce the effects to being not significant. The applicant has also had discussions with the owner of the property and the owner wishes to retain their property and so would not be willing to have a voluntary agreement for the acquisition of the whole property in any event. So the applicant has only sought the minimum rights necessary to mitigate the scheme and that is the installation of the acoustic fence.

00:47:04:21 - 00:47:08:18

Thank you very much for that intervention, Mr. Broderick. Um.

00:47:11:09 - 00:47:46:15

I also wanted to. I had prepared a question in terms of, um, as hearing previously on compulsory acquisition hearings, concerns from the businesses located along Al Gore's way regarding engagement. I noticed that you have actually provided an appetite on that specific issue on this hearing today. Nevertheless, I would still like for the record to give the opportunity to any businesses that might be with us today or any representatives of businesses that might be with us today.

00:47:47:05 - 00:48:09:09

Um, to actually raise any concerns in terms of consultation and lack of communication from the applicant in relation to the proposed development. So first of all, I would like to ask, um, if anyone would like to raise any concerns in relation to this point that was covered previously on compulsory acquisition hearings.

00:48:12:08 - 00:48:19:15

No. Okay. Is there anything else that the applicant would like to comment and add to the response that they have already provided.

00:48:20:20 - 00:48:29:15

To the applicant? Nothing to add, but just to note for anybody listening to the live stream that the applicant did set out in quite,

00:48:31:03 - 00:49:09:12

quite a lot of detail in its approach to consultation with particularly looking at the businesses along our way, both during the statutory consultation phase and also the notification of the acceptance of the draft application. And that was in response to a direct action which was H2 action six and the reference number is Rep 5036. The that document sets out as a sort of timeline the actions that were undertaken by the applicant and also provides as an appendix.

00:49:09:14 - 00:49:42:22

Um, the evidence of a delivery of a number of those notices that relate to our causeway businesses. Um, it's perhaps worth noting that that document has been heavily redacted as part of the version that's been uploaded onto the public website. But the names and address details were available for the the examining authority to be to show, to match up the names and addresses with those that are listed in the book of reference.

00:49:42:24 - 00:49:50:24

But that may not be obvious from the version that's on the on the public website. So just wanted to make that point clear to anyone who looked at it. Thank you.

00:49:51:09 - 00:50:06:17

Thank you. Noted. Right. Can I ask if there are any further questions that anyone would like to ask in relation to item four? That is site specific representations by affected persons. Online or in the room.

00:50:08:24 - 00:50:54:05

I don't see any hands raised. So I propose in that case that we move on to the next item of the agenda, which is site specific issues from story undertakers, that is item five. Um, so first of all, I would like to say that there has been an update on the agenda that was issued previously due to revision of submissions made at deadline five. Um, and it does appear from the documents that were submitted to us at deadline five that the National Highway submission, which is Web 5051, that previous objections raised by national highways have now either been resolved or are.

00:50:55:02 - 00:51:29:14

Well on their way to be resolved by the assessment of both the applicant and national highways. Nevertheless, in the latest version of the campus requisition, schedule a rep for Dash one three. There

are objections outstanding in relation to some of the plots that were mentioned in the latest representation from national highways. Can the applicant just tell us when will this be updated with the latest information submitted?

00:51:32:20 - 00:52:06:05

The project of the applicant. Believe that the response that was provided by national highways in relation to second in relation to an action and a second written question related to some information that was provided at one of the much earlier hearings by Miss Smith in relation to a query over whether land that was included within the order limits in fact belonged to her.

00:52:06:18 - 00:52:24:15

The applicant undertook further discussions with the Smith to identify which land she was actually talking about and concluded that it did not include any land within the order limits. However.

00:52:26:10 - 00:53:00:03

There was one plot that was plot ten one A that she thought she might own. However, this is registered to national highways and forms part of the a47. Therefore, we obviously agree with National Highways submission that perhaps Ms. Smith is mistaken, that she owns this land and therefore we would not be proposing to update the book of reference because as far as the applicants are concerned and as confirmed by national highways, national highways is the correct owner of that land.

00:53:00:23 - 00:53:24:05

Thank you. Also in the same representation, um, National Highways stated, our previous objections and concerns have been addressed in early submissions to the application and subsequent discussions with the applicant. So it was more in the context of that in terms of reflecting that. And when I assume that it's going to be reflected in the next headline.

00:53:26:06 - 00:54:09:06

Claire project. The applicant? Yes. Think as I mentioned before, in discussions with national Highways about the voluntary easement that's required for the grid connection and the water connection within their land. I think there was a slight confusion by the person who was drafting the initial representation by national Highways that hadn't appreciated that it had been agreed that the grid connection and the water connection would be located within the verge of the a47. So there was therefore perhaps a more firm objection that was actually reflective of the agreement that had been reached between the the relevant team within national highways as opposed to their to their legal department.

00:54:09:08 - 00:54:35:11

So that paragraph there is just to reflect think they said that they opposed any um any works within their land and that obviously isn't reflective of the agreement has been reached with national highways. So that's that paragraph is just to think confirm that discussions are ongoing and that the objection they had to any works within the verge of the a47 has been has been resolved.

00:54:35:17 - 00:54:36:08

Thank you.

00:54:37:22 - 00:55:02:19

The compulsory acquisition schedule that is rep for that one three also includes outstanding objections in relation to several other statutory undertakers. Taking into consideration the applicants answers that we have heard today. Um, are there any further points in relation to statutory undertakers that the applicant would like to make? In addition to the points that we covered earlier today in this session?

00:55:05:04 - 00:55:41:04

Clever, the applicant. And now the applicant has provided sort of the update as things are today. I suppose the only point that the applicant may wish to make is that it has notified all relevant statutory undertakers of the proposed change application. So as part of its consultation process that is taking place and the procedural decision set out the non-statutory consultation process that it would like the applicant to follow.

00:55:41:06 - 00:55:59:19

And so just wanted to confirm that any utilities that have apparatus within the highways, the relevant bits of the highway that are affected by the proposed changes application, have been notified of the proposed change. Just for your reassurance.

00:56:00:06 - 00:56:39:14

Thank you. Thank you, Mr. Broderick. It was the examining authority's intention now to actually invite Statutory to take us to raise any outstanding issues that they might have concerned. But I would probably suggest that we defer that again to written questions and give statutory undertakers an opportunity to review the recordings of today and actually then raise any outstanding compulsory acquisition issues that they might have. Are there any further questions that we have on this point? On item five of the agenda, and I would ask anyone in the room or online with us to raise any other questions.

00:56:40:21 - 00:57:20:12

I don't see any hands raised, interim or in line. So in that case, I propose that we move on to item six and that would be a review of the issues and actions arising today. Um, so we have been making notes. I don't think that any specific actions have arisen from today's meeting, but we have been making notes of the discussion and the future steps that we will take in order to address some of the issues that we have discussed. I don't propose to go through them now, but we'll be writing any sort of relevant notes on this point, um, and publish them as soon as practicable.

00:57:21:20 - 00:57:26:02

Uh, any questions on item six review of the issues and actions arising.

00:57:29:06 - 00:57:44:16

I'll move on to item seven, which is any other business. So I have not been notified of any other matters being graced and it is a agenda item. But nevertheless, would anyone like to raise any other business today before we close?

00:57:48:00 - 00:57:51:20

I don't see any hands raised online in the room.

00:57:53:01 - 00:57:55:02

No, nothing further from the applicant. Thank you.

00:57:55:07 - 00:58:25:13

Thank you very much for confirming. Ms.. Broderick and I will move us in that case. Then on to item eight, which is closure of the hearing. So thank you all for contributing so fully to this discussion. We will consider all submissions and matters presented to us very carefully. I would just like to highlight that next hearing in this examination is going to be the open floor hearing, which is due to begin today at 6 p.m.

00:58:25:15 - 00:58:40:00

and it will be held as a hybrid event. The time is now, two minutes to three and three for the Met with energy from Waste Limited is now closed. Thank you.