



Hearing Transcript

Project:	Cory Decarbonisation Project
Hearing:	Preliminary Meeting
Date:	5 November 2024

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Cory_Prelim_5 NOV

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FULL TRANSCRIPT (with timecode)

00:00:05:09 - 00:00:21:18

Good morning everybody. It's now 10:00 and it's time for this meeting to begin. I'd like to welcome you all to this preliminary meeting, uh, for the examination into the application for a development consent order for the quarry decarbonisation project. Firstly, can I just confirm that everyone can hear me clearly?

00:00:23:11 - 00:01:00:01

Thank you. Uh, can I also confirm with Mrs. Norris and Mrs. Allen that the live streaming recording of events is commenced? Thank you very much. My name is Mr. Jeff Underwood. I'm a chartered town planner, and I've been appointed by the Secretary of State as the examining inspector to examine this application. You'll also hear me referred to as examining authority. I've got a few housekeeping, uh, matters for those attending in person. Uh, just a reminder. Can everybody set their phones or devices to silent, uh, to make sure they don't disturb proceedings? Um, if you need the lavatories, you've probably passed them when you came in.

00:01:00:03 - 00:01:35:18

They're on the corridor just on the other side of the, uh, the foyer outside this room. I'm advised that there isn't any, uh, fire drill plan for today. So if you hear the fire alarm, it'll be the, uh, the real thing. Uh, if you could please leave the room in the building following the the green signs that above the doors over there. And there's one over one over there. And for those of you, uh, attending online, I think the, uh, the case team would have already explained the arrangements as a reminder. Um, could you keep your microphones muted and cameras switched off when not speaking? Because this will avoid background noise, and it'll also avoid issues with broad band width.

00:01:35:29 - 00:02:06:11

Uh, and also notes that the chat function is switched off. Um, for those of you watching on the live stream. Uh, if we adjourn, uh, you'll need to refresh your browser before we resume to be able to follow the, uh, the event. Um, and, uh, just just for everyone, in the interests of impartiality and fairness, all remarks to myself need to be made during this meeting where everybody can hear, uh, the comments, there isn't an opportunity to make any private comments to me outside the meeting. However, my my casein colleagues, Mrs. Norris and Mrs.

00:02:06:13 - 00:02:29:04

Allen, uh, will be available if you have any, uh, have any queries. Um, it's inevitable, given the layout of the the arrangements that, uh, you know, you may be. I've been to me outside this room. Uh, I'm not intending to be rude, but I won't enter into any, uh, conversations with you. Uh, by the same token,

you can be assured that even if I'm occasionally in the same spaces as some other participants, there'll be no discussion of the application or the examination with them.

00:02:30:27 - 00:03:04:29

I'm aiming to keep the proceedings focused and as efficient as, uh, as possible. To assist with this, I issued annex B to my letter, which I invited you to this meeting of the 7th of October, which I'll use the shorthand of referring to as the rules six letter. Um, that annex set out an introduction to the preliminary meeting, uh, and the process, uh, around it. I trust that you've all had a chance to read this in advance, because I'm not going to run through that in detail. I'll let you be providing a summary of the key points. Now you'll find information about this application on the planning Inspectorate's National Infrastructure Planning website.

00:03:05:01 - 00:03:14:09

If you're not already done so, I strongly encourage you to familiarize yourself with that website, because that's where I will communicate with you and provide access to documents throughout the examination.

00:03:18:05 - 00:03:49:17

Yes, just a reminder if you could switch, um, uh, any devices off please. Because. Because they are a bit disturbing. Um, so today's meeting will be undertaken in a hybrid way. Uh, meaning some of you are present with us at the hearing venue, and some of you are joining us online, and Microsoft Teams and others are watching the live stream and make sure that how have you decided to attend today? You'll be given a fair opportunity to participate in a recording of. Today's meeting will be made available on the Decarbonisation Project section of the National Infrastructure Planning website as soon as practicable after this meeting is finished.

00:03:49:21 - 00:04:24:27

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. If you're speaking a number of times, it can be a bit awkward introducing yourself each time, but I can assure you that it's necessary to make sure that everybody attending can understand who's speaking at which time. And it also means that that's covered in the recording. Um, for those of you, uh, with a microphone in front of you, uh, they're quite straightforward. There's, um, uh, an on off switch. Can I just check it? Am I am I going in and out of on the speakers, or is that.

00:04:24:29 - 00:04:41:17

Is that okay? Okay. Thank you. Um, so there's a simple on and off button in front of you to do that. Um, if you if you haven't got a microphone in front of you, there are some roving microphones, I understand. Uh, if you want to speak, if you just indicate, uh, for one of those, um,

00:04:43:05 - 00:05:15:11

in that rule. Rule six letter, there was a link to the planning inspectorate's privacy notice. Um, I'm again, I'm assuming everyone here is familiarise themselves with this document, because that establishes how personal information and data of our customers is handled in accordance with the principles set out in data protection laws. It makes clear that today's meeting is being recorded and live streamed, so unless essential to do so, please do not provide any personal information about

yourself or others unless it's essential to do so, because that would be shared on live stream and also retained on a recording.

00:05:15:22 - 00:05:59:24

Uh, if you've got any questions about this, please speak to Mrs. Norris or Mrs. Allen if you've got any questions. This meeting will follow the agenda as set out in appendix. So annex A of the rule six letter. It'd be helpful if you had a copy of this in front of you. I also understand the applicant will be able to display the agenda on screen at the appropriate junctures. The purpose of this morning's meeting is to focus on the way in which this application is proposed to be examined. On that basis, I'll only be inviting contributions or discussion about the procedural aspects of this examination. The purpose of this meeting is not to discuss either the merits or any concerns that you may have regarding this application, the merits or concerns can only be considered once the examination of the application begins, which happens following the close of this preliminary meeting.

00:06:01:25 - 00:06:32:00

Um, there are there may be occasions where I can refuse to allow representations to be made in this meeting, including in circumstances if I consider representations are irrelevant, vexatious, or frivolous. Thank you. And I'm going to ask those of you who are intending to participate into today's meeting to introduce yourselves. I've also received some information on on a list there. When I when I say your organisation's name, please could you introduce yourself stating your name? Who represent and if necessary, which agenda item you should to speak on.

00:06:32:02 - 00:07:03:12

If you're not representing an organisation, please confirm your name and just summarise your interest in the in the application. Uh, we're organisations are represented by a team of people. Uh, there's no need to introduce the whole team if some people aren't intending to speak at this at this stage. Be very helpful if you can also, uh, let me know how you wish to be addressed. That is Mr.. Mrs.. Mrs.. Doctor. And so on. Um, because this is a formal proceeding, it's generally not appropriate to rely on for names, as this can give a misleading impression of formality informality.

00:07:03:14 - 00:07:33:01

Rather, I'll start with those into the room. Then I'll move on to those who are joining us online. Uh, however, if organizations have got representatives both in the room and online that be most effective to introduce yourselves all at once. Um, so I'm going to read from the list of those who've notified they wish to speak. Uh, and I also note there's a number of attendees who intend to observe. It's not necessary if you introduce yourselves, unless you change your mind and want to want to make any comments. So can I please start with the applicants?

00:07:33:20 - 00:07:56:28

Certainly, sir. Um, uh, Matt Fox Associates at Pinsent Masons, acting on behalf of the applicant. Um, to my right, my colleague Richard Griffiths, partner at Pinsent Masons. Um, and to his right, Kirsten Berry, director, and Decker, who with the planning and planning for the project, and to her Mr. Richard Wilkinson, who's the head of planning and development for Corey.

00:07:58:09 - 00:08:04:28

Thank you very much. Um, the next organization on my list is the London Borough Council.

00:08:07:16 - 00:08:13:03

Hello. Uh, I'm Ian Smith. I'm acting area manager, um, in the planning department.

00:08:15:21 - 00:08:19:10

Hi there. I'm James Hughes. I'm a principal planning officer at London Borough of Bexley.

00:08:21:08 - 00:08:24:24

I'm Polly Young, senior planning lawyer for London Borough of Bexley.

00:08:29:01 - 00:08:43:04

Okay. Thank you. Um, next. The next on my list is the Friends of Cross Ness Nature Reserve. Is there someone, uh, I think a doctor Susan Mitchell or.

00:08:48:02 - 00:08:59:26

Okay. Um, the next, uh, organization. My list is, uh, Ridgeway users. Um, that I've got a week on. And also Mr. Jekanovic.

00:09:03:13 - 00:09:04:21

Uh, yes.

00:09:06:13 - 00:09:12:12

Well, actually, um, you're here, so that's all I need to know at this, uh, at this stage, if that's okay.

00:09:14:12 - 00:09:20:02

Um, if you do want to to to say things, we will need to get a roving, roving microphone to you. I,

00:09:21:27 - 00:09:28:12

uh, if you need to speak yet, we we'll we'll get to microphone to you. So you don't need to. You don't need to move. Thank you.

00:09:29:29 - 00:09:32:01

And was there anybody else from Ridgeway users?

00:09:37:07 - 00:09:41:18

It's okay if you just wait a moment. Uh, Mrs. Norris will bring the bring the microphone over to you in a second.

00:09:45:14 - 00:09:45:29

Yeah.

00:09:51:16 - 00:10:03:29

Yeah, yeah. Thank you very much. My name is Doctor Hui Huang. I'm a Ridgeway user. Um, I won't be speaking on behalf today of the radio users, but, uh, over to my colleague Djokovic, who will be speaking on our behalf.

00:10:04:13 - 00:10:05:15

Okay. Thank you.

00:10:07:09 - 00:10:09:24

The next organisation on my list is National Highways.

00:10:13:03 - 00:10:18:10

Uh, good morning, sir. Um, yes. I'm not in the room today. I'm online. Janice Burgess, representing National highways.

00:10:22:22 - 00:10:23:07

Thank you.

00:10:27:03 - 00:10:30:26

And the next organisation is, uh, Save Cross Ness Nature Reserve.

00:10:46:00 - 00:10:48:03

Just hang on. We'll get it. We'll get a microphone to you said.

00:10:52:14 - 00:11:10:03

The person who is supposed to be speaking. Oh, my. Oh, yeah. Sorry. Uh, Mr. Salamanca, um, the person who was supposed to be speaking is, um. Are we there? Here. That's good. We got somebody. So, uh, no need for me to speak, is it? Yeah. They're on the screen.

00:11:13:19 - 00:11:18:28

I can see somebody on, uh, on screen. You're representing Save Cross Ness nature reserve.

00:11:20:15 - 00:11:27:06

Yes, I am, um, barrister's, unfortunately fallen unwell today. He's unable to make it. Okay.

00:11:27:21 - 00:11:29:18

So could you introduce yourself, please?

00:11:30:05 - 00:11:36:29

Hi, I'm Caitlin Cahoon, and I'm a planning legal at the Civic Center. And I'm presenting interested party.

00:11:38:02 - 00:11:45:26

I'm very sorry. I'm finding quite difficult to to hear. I don't know whether it's something to do with the the online thing. Would you mind repeating that, please?

00:11:48:02 - 00:11:52:05

Sorry, I had trouble with my teams. I'm going to try again. I'll just try and join the link again.

00:11:55:03 - 00:11:58:21

I could hear you that time. If you just speak, speak slowly. That would be helpful.

00:12:01:15 - 00:12:03:00

Sorry. Just bear with me. Sorry.

00:12:23:19 - 00:12:35:05

Hello. I think the signal might be better from here. Sorry. Um, I'm Caitlin Cahoon, and I'm planning law paralegal at the law center. And I'm here on a half of surplus as nature reserve.

00:12:37:02 - 00:12:37:18

Thank you.

00:12:39:21 - 00:12:49:25

Um, the next organization on my. So sorry. I did have a number of names, uh, from, uh, save crisis nature reserve. Is there anybody, anybody else here today?

00:12:53:00 - 00:12:53:15

Um.

00:12:54:03 - 00:13:02:01

I'm Susan Mitchell, doctor Susan Mitchell. I had asked to be present, but I couldn't make it, so I'm here virtually.

00:13:04:05 - 00:13:05:10

Okay. Thank you.

00:13:07:17 - 00:13:11:28

I'm Lauren, spent your home. I'm a member of safe Cross Ness nature reserve.

00:13:12:18 - 00:13:15:18

I'm. I beg your pardon? Would you mind repeat your name? Yeah.

00:13:15:21 - 00:13:25:14

The first name is Lawrence Liu. R e n c e and my surname is Pinturault.

00:13:26:21 - 00:13:27:24

Thank you. Thank you.

00:13:29:15 - 00:13:33:23

The next organization I have is the Western Riverside Waste Authority.

00:13:34:20 - 00:13:38:07

Good morning, Sir Michael Fry, Council for Western Riverside Waste Authority.

00:13:40:09 - 00:13:44:14

Thank you. And I noticed there was a number of potential people. It's just you yourself, is it? Mr..

00:13:44:21 - 00:13:46:18

I apologize, I didn't catch that.

00:13:47:09 - 00:13:48:19

Um, it's just yourself, is it?

00:13:48:21 - 00:13:50:05

Yes. Today. Thank you.

00:13:51:16 - 00:13:58:15

And then I have, uh, a representative Lanson Limited and Munster Joinery UK limited. Good morning sir.

00:13:58:17 - 00:14:04:29

My name is Richard Turney, King's Counsel, and, uh, I'm here for, as you say, landfill and Munster joinery.

00:14:05:26 - 00:14:06:11

Thank you.

00:14:08:14 - 00:14:17:03

Just before I go to ask other people attending on online, is anybody else in the room today who's, uh, intending to to speak. If you could let me now, let me know now.

00:14:20:18 - 00:14:27:06

Margaret White, local longtime local resident and member of the Sacredness Nature Reserve. Thank you.

00:14:35:19 - 00:14:38:15

Thank you. Oh. Somebody else.

00:14:39:06 - 00:14:55:17

Just one more doctor. Leslie Catchpole, concerned resident and obviously, um, a supporter of the South Cross Ness Nature Reserve. I spoke at the last core inquiry back before Covid, and, uh, unfortunately, we didn't get very far then, but we'll try again.

00:14:55:21 - 00:15:02:04

It's okay. You don't need to give me anything. So just, um, just to understand who's attending today. Thank you. Thank you, Doctor Cottrell.

00:15:04:20 - 00:15:15:19

Okay, I'll now move on to, uh, anyone attending online who hasn't, uh, uh, who hasn't? Give me their details yet. I've also got to note that, uh, Thames Water.

00:15:17:23 - 00:15:18:24

Out in the online.

00:15:21:17 - 00:15:24:27

Morning. I'm David Wilson, a town planner for Thames Water.

00:15:26:21 - 00:15:27:06

Thank you.

00:15:27:15 - 00:15:38:16

Good morning sir. It's Mr. Martin Pennington. Unfortunately, my camera obviously isn't working. I'm in. an, um, a senior associate at Eversheds Sutherland. Um, on behalf of Thames Water.

00:15:39:29 - 00:15:40:15

Thank you.

00:15:42:06 - 00:15:49:12

Well. Good morning. Um, Harriet Ramsay, a partner at Bruton Knowles, chartered surveyor representing Thames Water. Thank you.

00:15:50:28 - 00:15:51:18

Thank you.

00:15:53:09 - 00:15:55:21

And the Port of London Authority.

00:15:57:19 - 00:16:10:02

Good morning, sir. Um, Mrs. Vicky Fowler. I'm a solicitor with Gowling Wlg, and I'm joined today by my colleague, Mr. Ben Sasson, and also James Trimmer and Lucy Owen of the PLA.

00:16:11:04 - 00:16:13:11

Thank you. Thank you.

00:16:17:19 - 00:16:23:14

Is there anybody else, uh, attending online who is intending to speak? Who? I haven't, uh, haven't got your details from.

00:16:29:09 - 00:16:32:02

Nope. Thank you very much. And, uh.

00:16:34:08 - 00:16:43:29

We're already swinging to you, Mr. Jokanovic, but I understand you're also here as a member of the press. Is it possible to get a microphone to help?

00:16:47:01 - 00:16:50:13

Can I just ask, um, how you're intending to record the proceedings?

00:16:52:23 - 00:16:55:18

Today? Um, if that's okay.

00:16:55:20 - 00:17:08:25

I don't have to necessarily. I think there are company. I spoke with, um, Caroline, and they said I can use it, but I just wanted to maybe record a few things. But if that's not permitted, I'll just turn off the camera. It's not a big issue.

00:17:09:06 - 00:17:14:04

Well, I'm not saying anything. Okay. How are you intending to record that recorded.

00:17:14:20 - 00:17:18:00

Uh, with this camera and written down as well?

00:17:18:11 - 00:17:23:08

Okay. Um, does it does anybody have any, uh, uh, concerns about the use of the camera?

00:17:26:22 - 00:17:30:05

As long as it's, uh, not disruptive at all, that's, uh. That's That's fine. Thank you.

00:17:30:12 - 00:17:31:11

Thank you very much.

00:17:32:07 - 00:17:34:02

Is there anybody else from the press here today?

00:17:37:16 - 00:17:38:10

No. Thank you.

00:17:41:06 - 00:17:44:00

And intend to record the the hearing.

00:17:46:29 - 00:18:20:18

Okay. Thank. Thank you. And just last time, have I missed anybody, uh, wanting to speak today? I think I've caught everyone, but just in case. Okay. Um. Thank you. If anyone decides they wish to speak, uh, during the course of this morning's proceedings, um, for example, to make comments in response to representations made by other parties. Uh, please let me know, either by raising your your hand, either physically or using the function on Microsoft Teams. Um, I'll shortly move on to the next item on the agenda.

00:18:20:27 - 00:18:53:18

Um, under item six, which is other questions as submissions, uh, regarding procedural matters that aren't set out. Um, there's a number of, uh, a number of things which I just want to raise with the, with the applicant. And those are to do with the applicant's errata report, the applicant's change request, uh, the applicant's, uh, proposal limiting the Great Breach pumping Station from the order land in response to relevant representations and a minor point on information for tomorrow's, uh, issue specific hearing, which I think is largely resolved in any event.

00:18:53:20 - 00:19:03:28

But I'll come to that under item six. Can I just check now, are there any other procedural matters, uh, not covered on the agenda that any party expects to raise under item six?

00:19:07:15 - 00:19:32:08

Yes, sir. Richard, attorney for Lanson and Munster Joinery. Um, we had identified under item six that we wanted to discuss the possibility of an application to cross-examine the applicant's witnesses at compulsory acquisition hearing, too. And, um, the way I'd put it was just to identify whether that should be programmed in some way. In other words, that we should make that application at a particular point. Well, that's something.

00:19:32:10 - 00:19:34:23

We can pick up at, uh, an item six. Thank you.

00:19:38:18 - 00:19:39:27

Okay. Uh.

00:19:42:24 - 00:20:18:16

If there's nothing else anybody wants to raise, that concludes this item on the agenda. I'll now move on to, uh, item two on the agenda. In order to streamline the running of this event. The rule six letter provided an introduction to this preliminary meeting and the examination process, explaining how it was going to be conducted and how everyone can participate. Once again, for expediency, I'm assuming that everyone's read this and therefore I don't propose to spend time, uh, repeating it. However, it's important that you're clear in your understanding of the process. Therefore, if there's anything you're unclear about or on which you need some clarity, this meeting is an opportunity to to ask.

00:20:19:06 - 00:20:58:14

I'll not be making any decisions at this meeting, but we'll listen carefully to any comments. And along with written representations about the examination procedure, take these into account. As soon as practicable after this meeting, I'll issue a letter, and for shorthand we refer to this as the rule eight letter, which will confirm the examination arrangements, including any changes that are made in light of today's meeting, for example, to the draft program, and it will contain the final program that all parties will need to adhere to. Um, so it's important to, to keep keep your eyes open for that rule eight letter, because that will set out the final, uh, way in which the the application will be examined.

00:20:59:02 - 00:21:33:08

I've already received some written submissions on the examination procedure, uh, which I requested by procedural deadline. And I've received responses from the applicant, from the Marine Management Organization and on behalf of Lancer Limited and Munster Joinery UK limited, as well as Save Cross Ness Nature Reserve. Thank you for those contributions. There's no, no need to necessarily repeat those at this morning's meeting unless it'll be helpful for me to explore, expand upon a on a point, and or to respond to somebody else's. I'll therefore take these as read and they will inform my decision regarding how the application will be examined.

00:21:34:20 - 00:22:00:21

So, on the basis of the information set out in annex B of the rule six letter, are there any points that anybody wants to raise about the way in which I propose to examine the application? If you have any specific points regarding the draft timetable, can I ask that you just hold those and raise those under the agenda item five, which will deal with the timetable? Can I just start with the applicant? Is there anything that you want to add at this stage just not picked up elsewhere on the agenda?

00:22:01:04 - 00:22:05:06

So Mr. Fox, on behalf of the applicant, not at this stage under this item. Thank you. Thank you.

00:22:06:03 - 00:22:09:04

Is there anybody else who's got any points I need to raise at this point?

00:22:12:24 - 00:22:47:16

Okay. Thank you. I now move on to item three on the agenda. And that's, uh, to do with procedural decisions that I made at the time that the rule six letter was, uh, it was issued, um, annex F of the rule six letter set out a series of procedural decisions are made. Again, I don't intend to run through each of them. Um, I've noted that the the applicant's comments on statements of common ground and the progress that they've, they've made on those. Um, and also that, uh, I, uh, requested that they investigated some additional additional ones.

00:22:48:07 - 00:23:13:06

Um, there were a number of parties, uh, as I say, who the applicant, uh, had identified. They did not consider it appropriate to prepare a statement of common ground, but I nonetheless asked them to do so, as I consider that format would, would help help me. Uh, I've also noted the comments from, uh, the, the RSPB that they, they're not in a position to, to do that. Um, is there anything that the applicant would like to add on that at this, at this stage.

00:23:14:10 - 00:23:38:23

Uh, Mr. Fox yeah. Um, I think just to say that, obviously, as we said in writing, we do. We will seek to enter into those stages. But I would I would make the point that it is a two way process. And those are an example of where some parties don't want to enter. So we've we will continue to, um, to enter into them with the parties you've identified. Um, yeah.

00:23:39:24 - 00:23:40:09

Thank you.

00:23:42:21 - 00:23:46:27

Has anybody got any comments on that? Uh, reflection of statements of common ground?

00:23:49:10 - 00:24:21:04

Thank you. I've noted the comments of the Marine Management Organization about the timing of the issue specific hearing, which is, uh, tomorrow. Um, but I point out the reason that I proposed that meeting at the outset of the examination was it would assist me to understand and explore a number of issues early on. It doesn't preclude me from calling other issue specific hearings if I consider them necessary. Nor does it prevent parties making submissions on those issues raised in the first issue specific hearing in writing. And indeed, that's catered for in the draft examination timetable.

00:24:22:15 - 00:24:27:28

Before I move on, are there any comments on procedural decisions that I've outlined in the rule six letter?

00:24:31:04 - 00:24:32:01

The applicant Mr..

00:24:32:03 - 00:25:19:25

Mr.. Talked about the applicant. Um, I just, uh, we had a question in relation to the accompanied site inspection, um, because we noted that you have already gone on, uh, unaccompanied site inspection and the route that you went on, um, is, I think, very similar to the route that we would suggest for unaccompanied site inspection. Um, now, of course, we are obviously, as per your request, we were willing to put forward an itinerary. Um, but just with that in mind, I was wondering, does it make sense, I wonder, for the interested parties to first say other places that you have not listed for us to then respond to? Um, because I am conscious that having looked at that map of your USA, it is very similar to what we would propose.

00:25:21:09 - 00:25:35:22

Okay, so if I understand your suggestion, Mr. Fox said you'd like to do it the other way around too. I've suggested in the programme by getting suggestions for an itinerary from interested parties and then the applicant commenting on them and proposing for an itinerary. Is that correct? Yes.

00:25:35:27 - 00:25:47:03

Well, not necessarily an itinerary, but I think it's more if there were spaces that you didn't visit on the US side that people think should be done, and then we can craft an itinerary between the different locations if necessary.

00:25:48:07 - 00:26:08:17

Okay. Uh, I mean, the, the, the main reason was there obviously are parts, uh, of the site and areas close to the site which aren't publicly accessible. So I anticipated that I would need to be accompanied on some, uh, on some parts. Um, but I'll, I'll take that into account and, uh, make, make, make that clear in any, uh, any response.

00:26:08:23 - 00:26:09:19

Yes, sir. Thank you.

00:26:11:19 - 00:26:20:05

Has anybody else got any comments they want to make In light of what the applicant just said about the arrangements for planning and accompanied site visit.

00:26:22:07 - 00:26:33:09

Yes. Yes. If you if you just hold it. If you can just wait until I know. It's a bit awkward having to wait for a microphone, but it just means. And if you could introduce yourself, please, please.

00:26:33:18 - 00:26:56:20

Lawrence Pinturault for a safe cross ness nature reserve. Yes. We will also, uh, suggest some locations for the site visits, and they will include, of course, areas, uh, uh, which are not publicly accessible and where there may be horses or good reasons to restrict access to those sites.

00:26:57:16 - 00:27:10:07

Okay. Thank you. And, uh, uh, I'll reflect on what the applicant said about the order in which I will invite, uh, people to make suggestions. Um, and that will be reflected in my my rule eight letter. So thank.

00:27:10:09 - 00:27:15:19

You. Thank you very much. Yes. there are some things which we hope to show you for sure.

00:27:16:00 - 00:27:16:15

Thank you.

00:27:19:09 - 00:27:22:20

Is there anybody else who has any comments? Yes.

00:27:28:27 - 00:27:47:07

I am. I think we would, on reflection, find it more helpful to have the applicant to put out their sort of itinerary for us to then comment on and find sort of things that aren't reflected in that. And we planned for the sort of rule six order.

00:27:49:10 - 00:27:53:19

But of course, if that if that had to change, we can do that. But we really wanted to stay the same.

00:27:55:27 - 00:28:03:02

Okay. So you're saying you'd prefer to see the applicant's suggestion first to comment on that? Okay. Thank you.

00:28:03:10 - 00:28:03:27

That's right. Yeah.

00:28:10:06 - 00:28:13:15

So it's Mr. Paddington on behalf of Thames Water.

00:28:15:06 - 00:28:24:10

I'd. I'd just like to make it clear that we would have a chance to review the proposed, the proposed route and comments on that in writing. If that's if that's okay.

00:28:29:17 - 00:28:32:12

I'll have an opportunity to comment on that in writing before it's confirmed.

00:28:34:11 - 00:28:36:07

Okay. Thank you. Thank you.

00:28:37:22 - 00:28:38:07

Uh.

00:28:38:24 - 00:28:40:01

David Wilson. Sorry.

00:28:40:13 - 00:28:47:12

Mr. Wilson, if you just hold on a second. I think I think the applicant perhaps wanted to just respond on a particular point there. Uh, just bear with us, Mr. Wilson.

00:28:48:00 - 00:29:21:08

So thank you, Mr. Fox, on behalf of the applicant. Um, Mr. Newton's point, uh, reminded me that I think the issue one of the, um, matters is that some of the land that you might want to visit. Um, the applicant doesn't own or have access to. Um, so one of the things is, if we could find out through submissions that people are willing, whether it's Thames Water or other parties. Um, for a group to enter their site, then we can come up with an itinerary accordingly. Um, so that's another reason why we suggested, um, that way around.

00:29:23:11 - 00:29:26:28

Okay. Understood, Mr. Fox? Okay. So sorry. Uh.

00:29:29:23 - 00:29:30:11

Mr. Wilson.

00:29:31:06 - 00:29:50:18

Sorry. I was just going to add that, um, obviously, to, again, access to the restricted areas, the crossroads nature reserve that will need to be organised with the Cross Nature Reserve warden. And she would have been here today, but unfortunately, she's on leave this week. So Karen Sutton, the nature reserve warden, would also need to be involved in any access to the restricted areas of the nature reserve.

00:29:53:14 - 00:30:22:23

Okay. Understood. I mean, I can I understand the various, the various points, uh, that have been made and I understand what the applicants point is about, uh, uh, not being control of some land. And that obviously ties into what you said. Mr. Wilson. Um, I'll. I'll reflect on those, uh, on those points and,

uh, make sure that the arrangements for planning the, uh, or planning accompanying site visit, uh, are set out, uh, when I issue my rule. Rule eight letter.

00:30:22:25 - 00:30:23:10

Um.

00:30:27:05 - 00:30:28:12

Oh, yes. Sorry.

00:30:29:05 - 00:31:09:22

Hi. Sorry. Uh, Jekanovic of Ridgeway uses, um, one of the sites that we'd probably want to suggest that there were some visits from my, uh, especially regarding, uh, to the Romani community. We might not have necessarily special access to. In fact, we also have concerns about general access to this planning for, uh, this entire planning process for the Roman community and, um, which are something that I'd like to state later, but that might be an issue in terms of getting consent beforehand, because I think there's I mean, there's I'll outline later, but there's basically a lack of engagement that that has been directed.

00:31:09:24 - 00:31:13:01

So getting that access before might be an issue.

00:31:14:12 - 00:31:45:11

Well, I think the the way I've set it out, it does give an opportunity for, for parties, including your organization, to make suggestions. Um, uh, as you pointed out, and I think that picks up on other issues. As I mentioned, if there are areas that, uh, you feel I need to see but to which access needs to be arranged, obviously need to be, uh, conscious of that in, in, uh, making, uh, making arrangements. So, um, there will be an opportunity for you to make, make suggestions of places to a place to go.

00:31:45:13 - 00:31:46:10

But thank you.

00:31:50:25 - 00:31:53:25

Are there any other comments on that particular, uh, particular item?

00:31:56:24 - 00:32:01:28

Okay. Uh, are there any. Oh, yes. If you if you just wait for a wait for a microphone.

00:32:05:25 - 00:32:07:18

Sorry. Can you. Can you introduce yourself.

00:32:07:20 - 00:32:41:11

To Leslie Catchpole? Um, at the, uh, Save Cross Nature reserve? It's just a general point, but, um, I think a few of us are struggling to follow what's happening here. And it would be useful if you could share documents. By what agenda? What appendix you're actually referring to. Or I understood there was to be printed agendas, but I can't see and documents I can't see them. It's just as the process goes on, it's going to get more and more complex. And you seem to be having almost an internal meeting

there. And we I think we feel a little bit excluded at different times where you're jumping to different documents or whatever.

00:32:41:13 - 00:32:46:09

So even if it's just a matter of sharing documents for the rest of us to see, it would be useful.

00:32:46:12 - 00:33:02:27

Yeah. No. And and just just to remind you, I'm on, uh, agenda three of the, uh, sorry, item three of the agenda. And I wonder perhaps, uh, whether the applicant actually share, share, share the agenda item. Um, so perhaps that could be seen on the screen.

00:33:06:24 - 00:33:07:22

So we did just that.

00:33:08:06 - 00:33:21:13

Thank you. Yeah. So so just as a reminder, this was about, uh, the procedural decisions I took in, uh, in annex, annex F to see whether there is any, uh, any, any queries on those.

00:33:24:14 - 00:33:31:28

And the applicants advised me they're just, uh, going to try and get the, the agenda onto the, the screen, which I think will be will be helpful.

00:33:43:03 - 00:33:44:13

Looks like it's not working.

00:33:54:09 - 00:33:59:17

So so the agenda in annex A just to confuse everyone.

00:34:22:22 - 00:34:32:06

Thank you very much. And yes, thank you for thank you for pointing that out. Hopefully you can see the, uh, the agenda on the, uh, on, on the screen there and.

00:34:37:25 - 00:34:46:02

So on, on that point, are there any other points people want to make about, uh, procedural, uh, decisions before I move on to item four?

00:34:50:22 - 00:35:00:11

I can't see any hands up on, uh, on online either. So I'll now move on to item four, which is the, uh, Initial, uh, assessment, sir, I did.

00:35:00:13 - 00:35:01:18

I did have one more point.

00:35:01:28 - 00:35:04:29

Oh, I beg your pardon? I missed, uh, I missed your hand there.

00:35:07:02 - 00:35:40:18

Sorry, sir. Mr. Pennington, on behalf of Thames Water, it may not be appropriate for this item, but generally speaking, the, um, the index to the examination library that's available online. Um, I don't know if this will be undertaken in due course, but the original documents, I'm used to seeing updates to those. So you would have the original documents and then it would say updated by and then app zero, two two or whatever kind of document reference it is. Uh, at the moment that that doesn't seem to have been, um, undertaken.

00:35:40:20 - 00:35:44:03

I was just wondering if the applicant would be able to do that going forward.

00:35:45:25 - 00:36:19:10

Well, the, uh, the, the, the library I think is maintained, uh, maintained by ourselves. Um, and yes, at the moment it, uh, it contains Things,, uh, documents and uh, any subsequent documents are issued issued under a further further date further down the further down the list. Um, if I understand what you're asking, Mr. Pennington, is that, uh, that any updated documents are, uh, on the the updated one is on its original location. On the, uh, on that list is that if I understood you correctly?

00:36:19:15 - 00:36:29:25

Yes, sir. So, for example, the planning statement for, for example, if that were updated, the original planning statement would say next to it updated by document reference x y, z.

00:36:31:15 - 00:36:33:12

So now that.

00:36:34:12 - 00:36:37:11

I've understood your comment. Thank you. The applicant.

00:36:37:18 - 00:37:16:02

Yeah. Mr. Fox, on behalf of the applicant. And this is in response to turn towards hopefully in relation to the comments. Um, a couple of minutes ago, um, which is that each deadline and as per your rule six letter, we are submitting um, the application document tracker. Um, the latest version of that is document reference as zero 50 on the examination library on the Pins website. Um, and I would encourage um students and, and, and all interested parties that um, at each deadline when we're submitting updated documents, if you want to make sure we're looking at the right version, um, that is, um, referenced in the application document tracker.

00:37:16:24 - 00:37:25:28

Um, so if we are submitting it at that deadline, it will say so in that tracker. Um, so I hope that that will help interested parties moving forward.

00:37:27:19 - 00:37:39:08

Well, thank you, Mr. Pennington. Mr. Fox, for your contributions on, uh, on that if there's anything that I need to, uh, uh, to, to advise people of again, I will do that in the, in the roll out later. Thank you.

00:37:42:16 - 00:37:45:19

Is there anything else that anybody wants to raise under item three?

00:37:49:23 - 00:38:19:20

Yeah. I've got to remind myself. I think sometimes it just takes a little time for the hands to pop online, but I can't see anything, uh, there. So yeah, I'll now turn to item four on the agenda, um, and see if there are all six that are set out. My initial assessment of principal issues. Again, there's no need for me to run through through these at this, uh, at this point. Um, but, uh, I would invite any comments that any parties wish to, uh, wish to raise on on that. Um, I'll start with the, the applicant.

00:38:21:17 - 00:38:23:21

And the applicant this and their comments from us.

00:38:24:15 - 00:38:25:00

Thank you.

00:38:26:02 - 00:38:28:01

Does anybody else? Yes.

00:38:29:29 - 00:39:10:27

Um, Richard Turney, on behalf of Landfill and Monster Joinery. Um, sir, I think it probably is covered between things. But the principal issue that we're concerned with, um, is about the reduction in the the potential to reduce the amount of land taken by the scheme. Um, the reason I raised that as a principal issue that might go beyond compulsory acquisition is that, um, I note from representations made by other parties that there are several parties, including the interest relating to the nature reserve, that are concerned to see that certain areas of land are excluded from the scheme.

00:39:11:21 - 00:39:42:28

Um, I having seen the work that's been done on behalf of my clients, I think it's an issue which you might want to pull out as a separate issue in the examination. Um, because you will be hearing from us, uh, quite extensive expert evidence about the, um, requirement for land for this scheme, um, which obviously in main goes to the need for, uh, Lancelot Munster Joinery site.

00:39:43:19 - 00:39:53:18

Uh, but it's, um, if you accept the evidence, that's, that's being prepared on their behalf will also go to impacts on the nature reserve and potentially others.

00:39:55:05 - 00:39:56:07

Okay, so

00:39:57:27 - 00:40:16:15

just to understand, uh, Mr. Tierney, what what you're saying. So under um, item five annex, that basically sort of sets out areas relating to compulsory acquisition and temporary possession of of land and land and rights. Um, you're saying that obviously there's a particular focus that you want to, uh, to look at under that?

00:40:17:13 - 00:40:54:13

Was that. Yes. It's that, but it's it's a my point is that it's potentially a more pervasive issue for the examination, because our position will be that the extent of land that is within the red line exceeds very substantially the amount of land that's required to deliver the project. And that's an issue which will go to the necessity not just to acquire my client's land, but also to, for example, the need to construct within cross nature reserve. and, um, those are points which I think are going to be more, um, pervasive in the examination.

00:40:54:15 - 00:41:13:25

In other words, it won't simply be a landfill and monster joinery point. If you accept the principle that we will advance through expert evidence that the land take is excessive, then it will raise broader points about the land take within the nature reserve and potentially elsewhere.

00:41:15:20 - 00:41:28:11

So I think as a principal issue, I'd identify the amount of land required to deliver the objectives of the project. And as I said, I don't think that's going to be limited to a compulsory acquisition question.

00:41:32:20 - 00:41:38:28

Okay. Thank you. I understood that, uh, on that particular point, is there anything that the applicant wants to to add at this stage?

00:41:40:07 - 00:41:51:26

Uh, Mr.. The applicant? Um, no, because I think we'd be in danger of getting to substance. Um, so I think we're not adverse to it being added as a principal issue point because we understand the position.

00:41:53:08 - 00:41:53:28

Okay. Thank you.

00:41:56:28 - 00:42:06:01

Are there any other points on the, uh, identification of, uh, principal issues? I've got a hand up from, uh, from Mr. Wilson.

00:42:07:07 - 00:42:27:22

Thank you. David Wilson, Thames Water. No issue or questions on the list of issues, but key to determination of some of the issues is, um, a statutory body, the GLA. And I was just wondering, have you had any notification there planning on attending any of the sessions arranged to date? Are you able to notify us about that?

00:42:29:10 - 00:42:55:19

Uh, as far as the GLA, uh, are to have made a relevant representation. Uh, as far as I'm aware, they haven't indicated that they're attending today. I'm just going to look to my colleagues, uh, Mrs. Norris, Mr. Allen, just to see if they they can correct me in case I'm wrong, but I'm pretty sure that the DLA haven't asked to attend either online or in person today, and certainly they haven't introduce themselves this morning.

00:42:57:06 - 00:43:04:08

Uh, so, so in terms of this preliminary meeting with Mr. Wilson, it doesn't look like the GLA have asked to to attend.

00:43:06:18 - 00:43:07:14

Okay. Thank you.

00:43:08:29 - 00:43:09:14

Okay.

00:43:12:25 - 00:43:17:08

Yes. If you just again, if you just want to wait for a microphone.

00:43:25:14 - 00:44:03:04

Thank you very much. Lauren spent your old for safe cross Ness Nature reserve campaign in annex C, uh, C1. Um, I read it should also be noted that once the effect of the proposal in relation to human rights and equalities duties are not listed as main issues. The examining authority will conduct all aspects of the examination with these in mind. Um, should um human rights and equalities be a separate issue as well? As well as being weaved into all the various themes you've quite rightly identified?

00:44:04:18 - 00:44:30:13

Uh, well, I've noticed your comment on that. Um, in a in a way, I think you've, uh, uh, you've sort of read, read, read the read the approach that, uh, that I intend to take that obviously that they are cross-cutting issues. There's specific issues that may or may not raise themselves when talking about any potential, uh, compulsory acquisition or temporary possession of, uh, of land. But, uh, thank you. I've noted your noted your comment on that.

00:44:30:15 - 00:44:31:19

Thank you very much.

00:44:35:05 - 00:44:37:03

Are there any other comments?

00:44:39:21 - 00:44:40:06

Hello?

00:44:43:03 - 00:45:14:27

Hi. Um, Jay Yuknavitch. Um, which way uses. So. Um, I'm an a journalist who's been sort of investigating this project for the last year and a half now, and the point that I'd like to raise is about, uh, Romany accessibility requirements in particular to this land. So I, um, noted that Corey, uh, in the initial, uh, document claimed that engagement with graziers people in Uhl has confirmed that some of the grazing has been always operated under some form of formal agreement.

00:45:15:06 - 00:45:22:15

And it's understood that the greatest do not use the land as part of a gypsy way of life. The horses are grazed on for land as a hobby, for use and travelling.

00:45:23:18 - 00:45:32:00

So sorry to interrupt you. Now I want to make sure that we're not actually getting into, uh, discussing issues that are more appropriate to explore during the examination itself.

00:45:32:08 - 00:46:02:22

Um, no, it's about how there's a lack of access to, um, in the plant. So basically when I, um, when I canvassed canvass three sites, and not a single respondent was aware of the plans that were ongoing. Um, partly this is due to the fact that Royal Mail have no longer delivering to certain remedy sites, in part due to a case of cocooning, which I was actually able to witness firsthand. Um, only 38% of Romney respondents surveyed in 2018 by the friends, family and travellers have reliable access to the internet.

00:46:02:24 - 00:46:36:04

We also know that where 60% of school leavers, um, have a reasonable, satisfactory level of reading and writing that due to segregated, uh, education in some cases, as reported by John Henry uh 19, that rate is 19% for Roman, uh, communities. Uh, this press is obviously heavily based in dense legal frameworks. I'm unsure how we're supposed to encourage remedy access without direct and purposeful engagement. Also, um, there's further issues relating to, um, so I just trying to find the correct annex.

00:46:36:08 - 00:46:36:23

So, sorry.

00:46:36:25 - 00:46:43:06

Can I just clarify what's what what what is your your concern there?

00:46:43:08 - 00:46:51:09

My concern is that there are simply not adequate provisions in place to enable Romany communities to participate in this process fairly.

00:46:52:04 - 00:46:57:14

And I think be very helpful if you could sort of elaborate on that in in writing.

00:46:57:20 - 00:46:58:15

Yes, absolutely.

00:46:58:20 - 00:47:04:10

Mr.. And is this something that was raised, uh, before, uh, by yourself.

00:47:05:00 - 00:47:07:05

Uh, as in in an initial document?

00:47:07:13 - 00:47:08:03

Yeah. Yes.

00:47:08:05 - 00:47:33:15

Yeah. Um, it was raised by my colleague Scott Redmond. Uh, but I will elaborate on that in the final bits. But also, um, you know, there's also regarding certain points, there's also, um, I know that in annex, I think it's one of the either six, seven, 16 or 17. I can't remember which one about health. Um, I recently conducted, uh, testing in the area and we've found, um.

00:47:33:25 - 00:47:40:03

But again, I don't want to get into actual, uh, examination. Examination issues.

00:47:40:05 - 00:48:10:09

It's still related to, um, so some of the process stuff here. So, um, basically we found, um, things that are banned under sort of the Pops regulations for 2007 and the Stockholm Convention Protocol. Um, basically the, uh, when I note that a lot of traveller sites are in the area and that there's potential health risks and that therefore that expedites further concern that these that basically these people really need to be consulted directly.

00:48:10:22 - 00:48:14:17

Uh, if there's sort of ongoing health concerns that might affect them going forward.

00:48:17:15 - 00:48:21:27

Okay. Thank you. On that point, can I ask the applicant, uh, for any comments.

00:48:22:11 - 00:48:46:18

Uh, about the applicant? Um, so I think we just, um, need to be careful what what we're talking about the issue being here. So, um, there are, um, as as was being said, there are people who graze horses on the lands within the limits. Um, and I want to emphasize that the applicant has specifically engaged with those parties. Um, and we will continue to do so. Um,

00:48:48:15 - 00:49:26:15

so on on that basis, we're unsure of of what the point is in terms of, um, how the examination plays out in terms of continuing to undertake that engagement, because we already committed to do so. Um, and you will know yourself said that the kind of the ongoing process of engagement is a primarily written process. Um, and if, um, obviously there are other hearing notices that go on site, etc., which we know the Grizzlies see. Um, so I'm unsure really what the point is, but I just wanted to emphasize that the applicant has been engaging specifically with those who, um, graze horses on the site.

00:49:26:27 - 00:49:32:11

Um, and I think that a presumption is being made as to the status of those issues as well.

00:49:33:03 - 00:50:03:21

Um, okay. Um, can I just, uh, just sort of clarify something with the, uh, with the applicant? I mean, if I've understood what, uh, Mr. Djokovic, um, was saying was, uh, about particular communities perhaps not having access to internet or postal services and was raising a query about, uh, why

I think the wider community, rather than actually people who might have a have a legal sort of, uh, interest in the, in the land for a license or, or something similar.

00:50:04:14 - 00:50:05:04

So I'd say so.

00:50:05:06 - 00:50:34:11

Just to, um, two points on, on those who are on site. When I say engagement, it hasn't just been writing them a letter. We've actually gone on site and had, um, meetings with them in site and explained what's going on, um, in relation to the, uh, kind of community more widely as set out in the consultation report, we have complied with every aspect of Planning Act and the related guidance, um, and includes accounting for, um, those protected characteristics.

00:50:35:28 - 00:50:37:16

Okay. Thank you, Mr. Jackson.

00:50:37:29 - 00:51:19:02

Sorry. Um, just in reply to this is that, um, I think what the sort of, uh, has been ignored here is under the sort of cumulative effects that whilst they've consulted with graziers who currently have formal access, this site was once the largest Romany grazing marsh in Europe. So the wider community has been displaced after floods and that land forcibly purchased and deemed unsafe. It's now been built on. So there's a sort of cumulative effect here of gradual erasure, gradual, um, incursion onto those grazing marshes and therefore, by narrowing it down to just those graziers who have formal access, is to not fully tackled the issue at hand.

00:51:19:04 - 00:51:24:07

It's not the process is not engaging with the wider community, the wider cumulative effects here.

00:51:26:04 - 00:51:41:25

Okay. Thank you. I think I understand I understand your point about engagement beyond just direct engagement with those who might ever, uh, have an interest in the land. Uh, the applicant has, as briefly explained that I'll, I'll, I'll certainly take those comments into into account.

00:51:44:18 - 00:51:48:25

Are there any other points on uh, uh on item item for.

00:51:52:07 - 00:51:54:20

This report. Is there anything the applicant wants to to add

00:51:56:10 - 00:51:57:04

and then.

00:51:59:24 - 00:52:30:06

Uh, I'll now now move on to item five on the agenda, which is the, uh, the draft examination timetable. Uh, I've noted comments made, uh, in writing regarding the timetable. There's also been some, uh, some points already raised about the sequencing of, uh, of sorting out the, um, uh,

accompanied, accompanied site visit. Um, again, I don't intend to go through the draft timetable line by line, but I do want to point out some, uh, some key key provisions.

00:52:30:09 - 00:53:04:06

Um, the week commencing the 10th of February has been identified for further hearings and accompanied site visit. I've noted Lancelot Munster Joinery his comments about avoiding the the following the following week. Uh for any compulsory acquisition uh hearings uh and would intend that any any would be held on that week commencing the 10th of 10th of February. Um, uh, we've already talked to some extent about the, um, uh, about the, the site visit, and I'll reflect on the order in which I'll, uh, for those things.

00:53:06:18 - 00:53:12:13

I do, I do beg your pardon. I've, uh, I did, I missed that, um, apologies.

00:53:14:22 - 00:53:18:24

Was was this an item? Is this something you wanted to raise under item item four?

00:53:21:09 - 00:53:21:24

Yes.

00:53:27:16 - 00:53:30:28

Was this a nice item? Something you wanted to raise under item four?

00:53:31:06 - 00:53:36:00

It was. Yes. Um, just under the different designations of land we know.

00:53:36:10 - 00:53:42:26

Can you just could you just introduce yourself again? It's just that that's important for everyone. Uh, listening to. We know who's talking.

00:53:43:24 - 00:54:12:09

Caitlin Curran from Suffolk Law Center representing. Um, crisis. Need to resolve something across this nature reserve. Um, just on point number 13 and annex C on the designations of land, there's only reference to metropolitan open land. But we were wondering whether they'd also be, um, similar attention paid to the designations of sink and open land under the London Plan definition.

00:54:18:01 - 00:54:27:23

So sink, uh, being a site of, uh, nature conservation importance, Is that correct? Or rather. Sorry, I've got that the wrong way around, haven't I?

00:54:30:06 - 00:54:34:10

Yes, I can't remember off the top of my head, but full form I think so. Yes. Alright.

00:54:34:12 - 00:54:42:25

Well, so site of importance of nature conservation. Yes, yes. Uh, and also sorry, what was the other designation that you mentioned?

00:54:44:25 - 00:54:48:07

Open land under the definition. Under the London Plan.

00:54:49:21 - 00:54:57:25

Sorry. Um, I didn't catch that after open land. Uh, I think you mentioned the London plan, but didn't quite catch what you said there.

00:54:58:19 - 00:55:02:05

Sorry. Definition of open land as per the London plan.

00:55:04:09 - 00:55:13:11

And that's, uh, it's separate to its designation. Is metropolitan open Land. Is is that correct? Yes.

00:55:20:19 - 00:55:23:04

And just just briefly. What what what is the distinction?

00:55:24:16 - 00:55:28:20

Um, I can provide further detail in the written representation, if that's helpful.

00:55:31:07 - 00:56:01:00

I mean, obviously, item item 13 was particularly around its designation as Metropolitan Open Land because, um, because that has a particular, uh, approach in the National policy statement and wider, wider national policy. Um, obviously that doesn't mean to say that, uh, other, other policy considerations won't be taken into account. That's why, uh, item 13 was uh, was like that. But, um, just so I can understand the, the point.

00:56:03:01 - 00:56:15:08

Yes. I think the, the sort of distinction is covered in our submissions in the statement of common ground and edits that we provided. I'm just trying to pull up. Sorry.

00:56:15:23 - 00:56:34:22

Okay. Well, if you, uh, if you say that sort of thing. But if you say that's already been covered. Um, and just just so I understand, your point is you you felt that should be more explicitly covered in the the issues of, uh, my initial issues of principal principal issues is under designation.

00:56:35:01 - 00:56:36:03

Yes. That's right. Okay.

00:56:39:06 - 00:56:43:27

Okay. I think I've understood that at that point. Does the applicant want to add anything to that?

00:56:44:06 - 00:56:50:14

Uh, no. It's just a note that the designations are noted in item three. In in annex.

00:57:04:01 - 00:57:15:24

Yeah. I think the only the only thing was this, uh, and again, whilst we're not going into detail here was the this alternative reference to open land in the, uh, in the London plan. But I'll, uh, I'll have a look at that.

00:57:18:09 - 00:57:25:03

Okay. Uh, yeah. So apologies for, uh, for for missing the, the the hand up on, on screen there. Uh.

00:57:27:07 - 00:57:27:29

It's Djokovic.

00:57:30:06 - 00:58:02:00

Djokovic. Uh, which he uses. And there's, um, there's one further point under, um, sorry, I just didn't, uh, it's under C16. So, uh, annex, uh, CS 16, uh, about planning obligations, meeting statutory policy tests, uh, under current planning guidance for carbon capture and storage. If, um, a planning application fails to, um, well, fails to sort of achieve 95% carbon capture, uh, it there needs to be sort of written statements as to why that is.

00:58:02:02 - 00:58:36:28

There needs to be justification given. Um, I know that Cory have contested this, but the example they gave in appendix 9.2, the Petra Nova plant, as proof of their thing of being able to achieve 95%. Actually, uh, only although it um. So although it sequesters 1.6 million tons, it is only 73% efficient. So if that is their their blueprint, uh, if it's only 73% efficient and that is their blueprint, they need to be submitting those additional planning documents as to why they will not achieve 95%.

00:58:40:14 - 00:59:04:03

Okay. Well, I've heard what you, uh, I've heard of what you say that I mean, that item is particularly around, uh, planning obligations under the, uh, uh, and under the different, uh, planning, planning acts. Um, can you just explain it in it without going into too much detail as to the merits of the of the matter. Mr. Jurkovich, um, what what it is you're expecting?

00:59:05:10 - 00:59:17:00

Um, so under section 3.1 of carbon capture and storage application guidance. Guidance. If you are not, see if you don't achieve 95% or your planning is unlikely to achieve 95% efficiency. So.

00:59:17:05 - 00:59:22:27

Sorry. Sorry to interrupt you. Could you just let me know which document you're referring to there? Um, the section I'm talking about.

00:59:22:29 - 00:59:29:12

Official. This is on the UK government planning. This is official, uh, government planning standard advice.

00:59:31:04 - 00:59:34:14

Right? Do you have a document reference at all, or.

00:59:34:23 - 00:59:38:05

Um, I can send it in my written submission, if that's.

00:59:38:07 - 01:00:13:07

Yeah, I think I think because it's obviously quite a detailed, uh, point you want to raise there, I think in your, uh, there as you, as you're aware, there is an opportunity for making, uh, written representations. Yeah. I think what would be helpful is if you could provide the reference there, uh, and explain what it is that you think is, uh, is either missing or hasn't been been addressed. Yeah. So, um, because I think, um, I understand you're raising that, um, but I think given the details, that would probably be more, uh, more helpful than going through that at this, uh, this preliminary meeting.

01:00:13:09 - 01:00:13:24

I haven't yet.

01:00:13:27 - 01:00:32:15

But but I think I understand your your broad point, which is about, um, so the reflection of, uh, government advice or guidance on, uh, on carbon capture and storage. Yes, exactly. Uh, I'll just I'll just turn to the applicant, uh, on that, if you've got any comments.

01:00:32:23 - 01:01:04:16

Uh, Mr. Fox, just to two quick points. Um, firstly, I think the reference that he's talking about is the Environment Agency backed guidance on permits for carbon capture plants. Um, and secondly, it was it was just a note that we are aware that people have made submissions about the capture rate, um, and the discussion on that, but it's not something that would be discussed under the context of planning obligations in section one of six agreements. Um, so we appreciate it. Like to come up in the discussion on air quality and climate change type issues.

01:01:05:03 - 01:01:08:14

Um, but I think that's the appropriate place for it to be dealt with.

01:01:09:19 - 01:01:30:07

Okay. Well, thank you for your comments. Uh, as I mentioned, obviously there is an opportunity for everyone to make written representations. Um, and there's also be an opportunity for the for the applicant to comment on any, uh, on any representations and representations that are made on those, uh, those detailed points. Thank you. Uh, all right.

01:01:33:18 - 01:01:40:19

So if we return to, uh, the, uh, the, the the draft, uh, program and timetable.

01:01:43:14 - 01:02:22:29

Uh, so I think, uh, sorry, apologies before I, uh, noticed that people wanting to to speak about. I miss them. Uh, we're already, uh, I've already talked about, uh, the site visit. Um, and however we decide to pull together the, uh, the itinerary. Uh, I will provide notice. Uh, before, uh, the before the time of of the time, uh, dates and arrangements, uh, arrangements for that. um. Uh, should I consider it necessary to undertake any further unaccompanied site inspections? And it may well be that people

suggest there's places that I need to, uh, go and have a have a look at things which aren't, uh, aren't necessarily restricted.

01:02:23:09 - 01:02:58:11

Um, I'll carry out those when it's convenient to do so. And that may well not be the same week, uh, uh, depending on available time. However, as I have done for the unaccompanied, uh, site inspection I've already carried out, I'll provide, um, uh, I'll provide a note of that so that everybody can see the places I've, uh, I've been to. Um, the timetable identifies that issue written questions by the 20th of December. Uh, and bearing in mind that the the festive holiday period, uh, I've set deadline three for responses to to allow for that sometime after in, in January.

01:02:58:21 - 01:03:33:12

Um, also, it may be necessary for me to set further written questions. Uh, and I've identified March as being a period for that. And I may also make requests for information under rule 17, which is a part of the rules which allows me to make requests for information from from parties. Um, and the responses to those would be at the appropriate deadlines, unless I advise otherwise. Just whilst we're on deadlines, I would sort of request that all parties respect the deadlines. Uh, late submissions reduces the time that I have to, uh, to to read information and all the other parties to read them as well.

01:03:33:19 - 01:04:06:18

Uh, and for parties to respond and for me to ask questions so late submissions are only accepted at the examining authority's discretion. And if I consider that accepting a late submission would lead to procedural unfairness, I can refuse to to accept them. So it's in everybody's interests, uh, that the deadlines are adhered to and they're all required. Submissions are made in a timely, uh, timely manner. Those. So rather than going through line by line, those are the particular points I wanted to draw out of the, uh, of the program on the timetable. Um, but are there any particular points that any would anyone like to make.

01:04:06:20 - 01:04:08:18

I'll start with the applicant.

01:04:09:27 - 01:04:51:05

And its first half. Yeah. And, um, so we only have, um, one point we proactively wanted to make. Um, and a second one, we will, we will want to respond to, um, Mr. Turney, once they've had a chance to speak on the cross examination point. Um, but just, um, we, we wanted to make was on, um, we, um, as we've been saying in our application documentation and in our submissions to date, um, we are still doing the kind of work on the design of the scheme. Um, and, um, one of those aspects is that, um, at the moment, uh, we, uh, within schedule one and the DCO only reference, um, cooling equipment in the area of work one.

01:04:51:07 - 01:05:02:10

EE um, um, but we now are seeking more flexibility to allow it to also spread into work area one a um, now, we are confident, sir, that that is, um,

01:05:03:26 - 01:05:43:06

not even a change as a as a minor aspect of design evolution. Um, but we are conscious that you will if you want to take a view on that once we've seen what we've got to submit. So what we are proposing is that, um, on 20th of November, we'll put forward a document to say, this is what we want to change the, um, schedule one. Um, and why we don't think this is an issue. Um, and in our view, we don't think it needs to go through the full kind of change process. Um, we've chosen that dates. Because if you disagree with this, that gives sufficient time for if consultation is felt to be required, um, to take account of Christmas and for an Alice to submit by deadline.

01:05:43:13 - 01:05:52:16

You know, if it needed to be a full change, um, by deadline three, which is a good time before the February hearings. Um, so we just wanted to give advance notice of that. Um.

01:05:54:10 - 01:05:54:25

Yes.

01:05:56:00 - 01:06:11:23

Well. Thank you. Thank you for letting me know. Uh, obviously. Yeah. I need to understand more. About what the, uh. the what the proposal. Proposal is. Um, but, uh, I'll deal with that. Uh, as, as and when that's that's raised. Thank you, Mr. Fox.

01:06:13:24 - 01:06:23:03

Um, I'll. I know Mr. Wilson has got his hand up, uh, online. Um, but, uh, I'll go to, uh, uh, Mr. Attorney first.

01:06:24:15 - 01:06:55:03

Uh, rich attorney for Lancelot and Munster Joinery. Can I first of all just pick up on what Mr. Fox said? Um, obviously I don't know anything about that proposal, but if we are not going to know until the 20th of November about the location change, location of, um, cooling equipment, then that might cause difficulties with the submission of our expert report on design, which is due on the 27th of November, I think deadline one.

01:06:55:18 - 01:07:08:24

So I wonder if the applicant might be able to bring that date forward, uh, for the, uh, explanation at that point, perhaps. Um, so we have it a week earlier than that. Uh.

01:07:09:09 - 01:07:44:12

Well, I mean, obviously, I've just heard myself today about, uh, about this proposal. Obviously, the the application is is the application submitted? The process does allow for, uh, for, for potential changes to be to, to to be considered. Um, I can understand from, uh, from what I've already read, from your, um, uh, from your written submissions about, uh, your approach to, uh, to to the information you want to provide about potential, uh, alternative layouts. Um, uh, I'll, I'll ask the, uh, I'll ask the applicant to just, uh, make any comments on on that.

01:07:44:24 - 01:08:18:09

I'm supposed to be half the applicant, so there's two points. First of all, the reason we've said the 20th is because we want to be able to explain very limited nature of the change in the context of the is to

allow you to understand, uh, what that means for the environmental effects, and we're confident it's going to be little to no effect. Um, and secondly, I just want to clarify what we're talking about here is not, um, seeking to replace it being in work. One ee, which is the area south of the Thames Water Access road and saying it will we want to build it somewhere in, uh, the area north of Thames Water Access Road.

01:08:18:24 - 01:08:47:17

We will be referencing cooling equipment in both areas. So it's about flexibility, um, for the cooling equipment to possibly be, um, across the site. I do appreciate, um, the Mr. Tennis um, point. Um, but I think I just want to emphasize this is not saying we've said cooling equipment will definitely be here, and it's now going to be here. It's to continue to seek the flexibility for it to be, um, more flexibility, I should say, for it to be potentially, um, across, um, the site.

01:08:49:26 - 01:08:51:28

Okay. Thank you. This is attorney.

01:08:52:06 - 01:09:24:15

Richard Denny for Chancellor Munster Joinery. I think I think I've understood what's in mind. I just want to emphasize that the process that we have gone through on our side of the fence, just so you know, what's to be expected at deadline. One is we have asked questions of the applicant about their design being through all of the application documents, commissioned an expert to produce both a revised layout based on the indicative layout, and an expert report to support that revised layout.

01:09:25:11 - 01:09:59:03

Um, and that is based on what we've been told about cooling requirements or what we can infer about cooling requirements from the application documents. The reason it won't be a problem, I'm sure, for Doctor Edgar to work through these sorts of things. The difficulty is going to be the spacing of of deadlines up to compulsory acquisition hearing, to which we have assumed will be the time when you will hear this objection. And I think just to be absolutely clear and I'll emphasize some of the points we put in writing as well.

01:09:59:09 - 01:10:47:08

We have, um, prepared, um, an expert report at the draft I have before me runs to 40 or more pages. There's detailed site layout plan, uh, with commentary running to a further 20 or so pages. It is prepared by an expert in the field, which, um, will require absolutely no doubt will require some analysis by the applicant from an expert in the field. And we are working on the basis that to fairly determine the question of whether my client's land should be included in the development consent order for compulsory acquisition, that you will need to form a view on whose expert view you prefer.

01:10:48:22 - 01:11:33:07

And we're going to have then a sequence, as we understood it, working on the exam timetable that we would be submitting that expert report on the 27th of November. Deadline one. That deadline two would be the opportunity for a detailed response to be provided by the applicant. That deadline three, we suggested, should be identified as a date by which you should require the experts to produce a statement of common ground between themselves. Because, um, I think the only way you will be able to efficiently run a hearing on this heavily technical subject will be through having a statement of

common ground and identifying points of difference in advance, and then that we would have the compulsory acquisition hearing, which would be the date when you would hear from both of those experts.

01:11:34:05 - 01:12:10:19

Um, so changes to the applicant's underlying assumptions that come close to that first point called difficulty, because that might mean a revised report has to be submitted at deadline two, and then the applicant report will have to be submitted at the same point and will end up in a bit of a disjoint in terms of the sequence. So I think if we can just have some earlier confirmation and it may be it can just be a very short email to say this is what we are proposing and why a bit earlier, then I'm sure that our expert can accommodate that.

01:12:10:26 - 01:12:26:02

It may be that what said makes no difference at all to what he's prepared, but I think unless we have a sort of fixed point to respond to on the 27th of November, the examination is going to be in difficulties in terms of examining what is I think had to be quite heavy technical issue.

01:12:27:01 - 01:12:33:03

So I'm just assuming that the deadline is 26th of November. I just want to point out and say, sorry.

01:12:33:05 - 01:12:35:08

That was just off the top of my head. Yeah, I think.

01:12:35:10 - 01:12:59:07

November, I just thought I'd better mention that in case that so so from my understanding, you're not actually querying the, uh, the the the sequence or the dates, the deadlines. Uh, you're responding to what the applicant mentioned about them giving me some advance notice about a potential, uh, I won't call it a challenge, because that's not what the the applicants called it. But, Mr. Fox, it's, um.

01:12:59:28 - 01:13:29:14

I think that that can. I think what we will say is, um, that we will aim for the 18th so that there is an at least a week, um, and what we will also do, um, commit to, um, sending it directly to council and Munster, um, once we send it to pins so that there's no delay in the information getting published on the website, and then that means that the, uh, expert will have hopefully a full week to account for that in, in their submission.

01:13:30:24 - 01:14:14:22

So that's that's very welcome. Uh, on behalf of Chancellor and Munster Joinery. Um, so can I just, can I just say about the uh, as we run it about the, the deadlines, I think I hope you would have heard from what I've said already and what we've put in writing. The. We think it's essential that we do have the applicant's final position on our expert view at deadline two. Um, of course, we don't have a problem with the relatively short space between deadline one and deadline two, but, um, the applicant will need to, I think, consider whether it will be able to provide a, a proper response by that date.

01:14:15:11 - 01:14:51:00

Um, and I just wanted to flag that because there will be a substantial submission at deadline one. Um, the other point that we make is that, uh, in respect of cross-examination, I identified that as potentially an item six matter. But in terms of timetable, um, the suggestion that we made was to invite you to set a deadline for making an application to cross-examine so that you have that in writing before the compulsory acquisition hearings. Um, so my suggestion have been that deadline three should be identified as the date by which we should make an application to cross-examine.

01:14:51:21 - 01:14:59:15

Um, the expert, uh, that is put forward by the, um, by the applicant on scheme design matters.

01:15:00:09 - 01:15:36:24

Well, just on the, uh, the the issue of, uh, cross examination, I mean, the the process, as you know, is, is is a written process which is supplemented by by oral hearings. Uh, and whilst I do have the discretion to allow, uh, questioning of, uh, of witnesses, um, that's only if it's going to be helpful to me in examining the, uh, examining the application. Uh, I've, I've heard what you what you said and I've read the, uh, read of the correspondence, but at the end of the day, that's something I'll need to give, uh, uh, give consideration to as to whether that is going to be something that's going to be necessary and to help me in to examine the issues.

01:15:37:02 - 01:16:06:08

Um, if I've understood the key thing, though, and I take your point about, uh, evidence that you're going to provide at the deadlines, which you want to make sure the applicants got the the time to respond to. Um, but my understanding is you're not actually necessarily challenging the, uh, the, the timetable as it's laid out, just alerting. Uh, both myself and other parties, uh, to to to your client's approach to, uh, what the evidence is, are going to submit.

01:16:06:20 - 01:16:40:03

But, uh, reject any for, um, landfill and monster. It is um, the only point about timetable that, um, that I make, uh, is about the, the clarity and the understanding here today at this meeting that the response to our D1 submission will be provided at D2, because if not, we are going to be in difficulty preparing for the compulsory acquisition hearing that point.

01:16:40:05 - 01:17:12:09

And then the the other point is D3 being suggested as deadline for any applications to cross-examine. And I take your point, sir, that obviously it's for you to decide. It is, we may say, and it may be there is much dispute and maybe there's much agreement between the experts, and it's unnecessary to have cross examination. But it's not just whether it's whether you think it's helpful, but also the question of fairness. And obviously my client's being dispossessed of their land under the terms of the order.

01:17:12:11 - 01:17:43:18

And I think it's recognised in the case law on compulsory acquisition that in certain circumstances, fairness may require the ability to challenge with an advocate the evidence that's been prepared by the other side. And it may be that we say to you a deadline three in these circumstances, we need to cross examine, and I perfectly accept that it would be that it's an exceptional course to take in DCO examinations. I've been in many myself. And I know that it's rarely permitted.

01:17:43:27 - 01:18:04:26

Uh, but my, um, initial view, based on the information I've seen so far, is that this is a case where you may wish to hear cross examination of experts because of the level of detail that we need to go into to, to be sure, or that my client's land is required for the proposed development.

01:18:06:08 - 01:18:41:18

Thank you, Mr. Attorney. Also, and, uh, I think both the parties mentioned Satan to common ground. I mean, obviously, uh, going on behind this that a, you know, a well prepared and hopefully well contributed to set common ground between both your clients and the applicant will be extremely helpful both as these as you mentioned, narrowing down any issues and clarifying exactly where any, uh, any points of dispute still remain. And, uh, obviously I've, um, I've put some, some deadlines in here where I'm expecting statements of common ground to be provided.

01:18:41:20 - 01:19:20:14

But I would urge, you know, both both your clients and of course, the applicant to. I know there's obviously some key points where you don't you don't see eye to eye to eye, but to to use that process so that we can actually, uh, get a statement of common ground that gives us, uh, as much, uh, sort of information as we can about those points where you do still have a fundamental disagreement and where actually things have been resolved behind the scenes so that there is that, uh, so I behind the scenes, that was the wrong choice of words. What I meant was in continuing dialogue between the applicant and the, um, and the and your client, um, uh, obviously it's not behind the scenes.

01:19:20:16 - 01:19:35:22

I don't want to alarm anyone with that, because I've asked for a copy of that document at certain, certain certain stages. Um, so it will be available for everybody to, to, to look at. But sorry, that was just a comment I wanted to make before I, uh, invited the applicant to make any comments.

01:19:35:24 - 01:20:09:26

Thank you sir. Mr. Fox, on behalf of the applicant. So just a few points. So first of all, um, I think, um, we would agree with Mr. Attorney, especially as it is now suggested, how long the report might be. Um, that I think we would ask for a bit of flex in how long we have to respond. I think, um, we were mindful that you've got your questions, um, that you want to issue just before Christmas, but but I think that the realistically, um, whilst we will seek to work to the 13th, it may be that we need an extra week to get us to Christmas to respond to that.

01:20:09:28 - 01:20:42:14

It is difficult to say so until we see the response. Um, but I think I would flag that now in response. Attorney that that that may be needed. Uh, and I hope so. That will be that will be helpful. Um, in kind of focusing the post-Christmas part of the examination, whilst I appreciate it, means that you won't be able to take that into account in writing your questions. Um, and of course, I think the other part of that is, um, we welcome that once it is submitted. If it depends that the documents at deadline and one are sent to us at the same time.

01:20:42:20 - 01:21:13:02

Um, so that obviously we don't lose, you know, any time in thinking about how to respond to it. Um, secondly, in respect of, um, the discussion around, um, cross examination. Um, and I think we would

agree and echo what you said, sir, in terms of the, the, the role of the examination and the written and hearing processes. Um, I think that, um, if, um, uh, cross examination requests to be made, I think that nine three, uh, would be the latest. We agree.

01:21:13:25 - 01:21:45:16

Um, I think that, um, if one is made and of course, you have to, you know, take a view and it once it is, it is submitted that I think we would request that it's quite a focused request, um, so that all parties, including and the examining authority are clear on what the nature of the cross examination is. Now, I'm hoping that this can all work well together because it was emitting an SG at that nine three. Then we'll know what's what's, um, left to, you know, to be in dispute and to be and be in discussion. But I think we'd want it to be focused.

01:21:45:23 - 01:22:30:29

Um, and I think, and I imagine you would appreciate that we would say this, that we'd want it to be, um, a reciprocal, reciprocal arrangement, um, because, um, if if Mr. Tony's clients have gone to, uh, the extent have had an expert go through this process and we all want to understand their workings, um, as much as the other way around. Um, so I think I think this is all doable. So by deadline three, I would hope that, um, doing an SG and, um, a cross-examination request where I think we would say we don't think it's needed, but if it is some kind of, uh, agreement on what those issues are that are being discussed at that cross-examination, we could look to work to that as well.

01:22:31:21 - 01:22:36:22

Um, but, um, I think that those are the points we want to make on that.

01:22:40:02 - 01:23:15:04

Um, so I think, I think if we can't do that, there isn't a kind of a mutual agreement on, you know, without prejudice, position or cross-examination, then I think we would need to account for in the timetable us being able to respond to a request. Um, so I'm conscious that obviously the gap between the 93 and the start of the, uh, hearings is quite short, but I think there is enough time that if there's not a kind of mutual statement across examination, if we were to be able to respond by the 24th, then, you know, to the cross-examination request, then you can make a decision in good time before the hearings.

01:23:17:02 - 01:23:22:16

Okay. So so you mentioned that the 24th just January. Sorry. So just unclear. Yeah. Yeah.

01:23:22:18 - 01:23:35:27

So then three Friday 17th, um, as I say, we can look to work towards a kind of without predisposition or cross-examination. But if that's not achievable, then, um, we would like the chance to respond to any request that's made.

01:23:38:07 - 01:23:39:00

Okay. Thank you.

01:23:42:19 - 01:23:55:29

On that particular issue, I obviously I've heard what, uh, what Mr. Attorney and, uh, and the applicants have to say. Are there any other comments on that, uh, particular issue that anybody wants to raise written to Mr.. Mr.. Wilson?

01:23:58:24 - 01:24:02:04

Okay. Thank you. Uh, Mr.. Wilson on uh, online.

01:24:03:14 - 01:24:03:29

Thank you.

01:24:04:05 - 01:24:39:12

David Wilson for Thames water. It was just another issue in relation to the site visit. The applicant is proposing to relocate Thames Water's access road from Norman Road to cross net sewage treatment works, which goes across the nature reserve. And we haven't yet got a route for that proposed relocation, so I think it'd be helpful to have that route for the site visit so that that can be viewed on the site visit, and that goes right up to Cross Ness Sewage Treatment Works, which is an operational site. And I'm not saying you need to, but if for any reason you would also want to access cross necessary treatment works that would need separate arrangements for health and safety and PPE.

01:24:41:12 - 01:25:14:17

Um, yeah. And just obviously there have been a number of things mentioned, and of course, I'm conscious that part of the, uh, the cross Ness nature reserve is within, uh, sort of a secure part of, uh, Thames Waters uh, site as well, which, uh, you know, it may well be, uh, helpful for me to have a, uh, have a look at in terms of information that is or isn't available. The main purpose of my site is, is obviously to see, uh, what I need to see in terms of the, uh, in terms of the proposals, um, in respect to Mr.

01:25:14:19 - 01:25:22:03

Wilson's particular point about, uh, a route of the Thames Water, uh, emergency access, is there any comments, Mr. Fox, on that?

01:25:22:12 - 01:25:49:12

Uh, Mr. Fox, about that? Um, so we don't have a route of the diversion at this point in time. So, um, we've allowed for it within the works plans on the basis that it may be required. Um, but the extent and nature of it is as, as yet unknown. Um, and the area in which we've allowed for it on the works plans is, is areas are very much publicly viewable. Um, yeah. Yeah, that's anything more than that.

01:25:50:08 - 01:26:27:21

Oh, thank you, Mr. Boss. I think Mr. Wilson, you know, um, reading between the lines on there, it's probably going to be helpful for me when I do carry out a site visit to have a look at, uh, the current arrangements that obviously you've raised, raised a concern about. So I've got a full understanding, uh, of those. So irrespective of what, uh, you know, if there is, is or isn't any refined information, um, I think that would be helpful. Uh, helpful thing for me to, to, to look at. So I would encourage, uh, both Thames Water and the applicant to perhaps work together on making sure I've got the appropriate access when I do visit the the the site.

01:26:28:00 - 01:26:50:24

Um, and bearing in mind the fact that you mentioned is obviously operation, there is some operational land there. Uh, being aware of health and any health and safety, uh, arrangements. So, um, if I can effectively, you know, whilst the timetable requires that to some time later, if I can leave that, uh, with, with the parties, that would probably be the most helpful way of doing it. So I can understand anything that Thames Water want to show me on the site.

01:26:51:11 - 01:26:52:00

Uh, thank you sir.

01:26:53:24 - 01:26:55:28

Thank you sir. Thank you.

01:26:58:28 - 01:27:42:06

Sir. Mr. fry, for Western Riverside Waste Authority. So I just wanted to flag up for your timetable and your planning for the the February hearings as to promising to be rather busy. So, as you'll be aware, the authority has, um, serious concerns and public interest concerns arising out of the contractual position between the authority and one of the applicants um, group companies. Um, it's an issue that might be explored in greater detail at one, but at present it's anticipated that some hearing time is likely to be necessary to, um, explore legal submissions in respect of the contractual position.

01:27:42:08 - 01:27:47:16

And I really just wanted to flag that up to you, sir, as you are planning your next set of hearings.

01:27:48:22 - 01:28:19:29

Well, thank you for bringing that to my attention. I mean it in some respects. I think it would be helpful to understand the extent to which I mean, I've, I've read the representations that have been made by the, uh, but by the authority, um, and it would be helpful for me to understand, you know, the extent to which contractual relationships between the authority and the applicant, uh, what the actual crossover is with the, uh, obviously the planning and the land acquisition issues, which are the things that I'm considering as part of the, the examination.

01:28:20:05 - 01:29:00:03

Um, I'm conscious that I'm not sure. And I know there's a very. I've asked the applicants to produce quite a long list of statements of common ground. Um, but I do wonder whether it might be helpful if the, uh. And I realize that obviously the applicant, uh, or some of the applicants companies have a, uh, have a contractual relationship with the with the authority. Um, but given that there is this, uh, crossover between sort of contractual relationships and the implications of the proposed development, uh, in terms of the, uh, the, you know, the planning planning case and the land acquisition case, I think it perhaps would be helpful to, uh, explore that, uh, in a bit more detail.

01:29:00:05 - 01:29:25:24

Just unclear that I'm, uh, examining the things that I need to examine and that, uh, any contractual issues that are purely on the commercial contractual side. And I'm conscious of what the authority has said about the crossover in terms of, uh, uh, the compulsory acquisition proposed of part of the parts

of that. But I think I would find that, that helpful. Um, but I will ask the, the the applicant's views on, uh, views on that.

01:29:27:28 - 01:29:39:13

Um, Mr.. Talked about the applicant, sir. I'm not quite sure what the kind of the end result your your queries. Are you saying some kind of agreed statement between between us or.

01:29:40:10 - 01:29:40:25

Yeah.

01:29:41:03 - 01:29:58:15

Yes. I think, uh, just so that I can understand in, uh, in a bit more detail, what are some commercial, um, contractual issues and what are the actual sort of planning and acquisition issues that I need to consider? Uh, between the relationship of the, the authority and and Corey.

01:30:01:22 - 01:30:34:18

Um, so, yeah, I mean, I think we can we can look to this, discuss that with the, um, awa um, in due course. I have to say, I don't know that, uh, a statement of common grounds necessarily would be the right way of doing that. Um, I'm conscious, obviously, that soon as we start talking about commercial aspects as elements of confidentiality there as well, um, I think we can look to do some kind of position statement to, uh, express where we are. Um, this was approach taken on the Riverside energy parties here as well.

01:30:35:01 - 01:31:07:22

Um, I think that, um, your rights there, I think to to raise the point that the fundamental position here that this DCO process, irrespective of what the kind of commercial position might be between the parties, is the case being made for the plots in which, um, the authority have an interest? Um, and I think in our views, that's where the examination is, is have you made that case or not? Um, so we can we can definitely speak with the the authority.

01:31:07:25 - 01:31:34:20

So I think, um, making a procedural decision to require it, I think might, um, I wouldn't want to say that we, you know, We definitely would be able to to get there. Um, depending on how those discussions go. I mean, obviously, we are looking to resolve the waste authority's, um, concerns and ensure that they have they feel adequately protected. And I think that's the main point, sir, is have we made our case and are there adequate protections for the authority?

01:31:35:16 - 01:31:36:04

Okay. Noted.

01:31:36:06 - 01:31:37:02

Thank you, Mr. Fry.

01:31:37:27 - 01:32:19:13

Uh, Miss Bright, Western Riverside waste authority. So, yes. And I should have said the applicant has started engagement with the authority, um, at a high level. Um, so our case will be made out in the

written representation in due course. We'll also attend one. I appreciate the four walls of that hearing, perhaps on to deal with the authority's points, but we can raise it again there, sir. But the essential point is it's the public interest arising out of the contractual position in respect of the authority's statutory undertaking and statutory duties, and we will tie that all up for you, sir, in the written representation.

01:32:20:09 - 01:32:22:16

Okay. Thank you, Mr. Strickland.

01:32:23:03 - 01:32:43:09

About that. I yes, I understand the point, but I think we just have to be really careful about making sure that we're creating an opportunity. That's what you're asking this point of what is the bright line of the matter of the public interest, and what is something that is about? Is the authority sufficiently contractually protected. And there's are two separate issues, and the latter is not for examination.

01:32:43:24 - 01:33:22:24

Good, quite. And you probably put it a bit more eloquently than I did. That's what I really that's the position I want to do because I don't want to uh, find the examination is, is, is spending time on things that are actually, uh, you know, effectively a commercial issue. But at the same time, I want to make sure that I understand the surprise point about there is an overlap in, uh, in, in the interest because of what the, the Waste Authority, uh, does. Um, and yeah, I think I continued, uh, dialogue obviously would be would be helpful to help narrow down any issues so that I'm clear what any outstanding, uh, outstanding issues are between the two, the two parties.

01:33:24:04 - 01:33:24:24

So, uh.

01:33:24:26 - 01:33:51:20

Can I make up just just an additional point, um, to pick up something? Most of what I said at the beginning, which is around, um, to to, uh, because we're also conscious, um, of the written submissions from Landstuhl and Munster about the amount of time they might need for, for that hearing. And I just the same part of the applicant that, um, you know, if it needs to be that it goes over two days and that week to be able to deal with all the interest and we would understand that and we wouldn't have an issue with that.

01:33:52:17 - 01:33:58:12

Okay. Thank you. That's obviously something I think in light of what people have been saying, I'll need to, uh, need, need to consider.

01:33:59:08 - 01:34:04:06

Thank you sir. Thank you. Okay. Thank you. Are there any other.

01:34:04:08 - 01:34:07:12

Points anybody would like to raise about the, uh, the timetable?

01:34:10:18 - 01:34:16:24

I can't see him in the room and can't see anyone sitting there. Uh, but putting their, their hand up.

01:34:17:12 - 01:34:18:11

Um, so.

01:34:18:13 - 01:34:49:07

So I'll just make two. So I just want one. One mind. Well, two points, I think. So first of all, we were just conscious, um, that in the towards the end of the examination when, um, I'd like to visit her and coming to the final submissions as a reference to, um, the publishing of the report on the European sites. Yeah. Um, it was just a flag that I'm conscious that that is not something that is compulsory. Um, and that given where we are with the HRA and National England's response.

01:34:49:15 - 01:35:03:12

Just the fact that that may. Well, we could it's probably not necessary. You know, I appreciate you make your own decision on that, but I think we did want to just say that it seems unlikely that's necessary in the context of this specific examination.

01:35:04:14 - 01:35:23:09

Okay. I understand your point. Obviously, the, um, uh, the timetable makes allowance for things and in the same sense it also. There are some things which might turn out not to be necessary. Uh, and we'll obviously be, uh, be aware of that. If I understood your point correctly, then. Mr..

01:35:23:18 - 01:35:24:03

Yes, sir.

01:35:24:22 - 01:35:35:01

Um, and then the second, second point and, um, I might get a shot here for asking for more work, but I am very conscious here that, um, the, um,

01:35:36:20 - 01:36:17:09

within the timetable, um, the questions, um, we welcome the fact that, um, they're coming slightly later on examination for this, for this project. Um, but we are conscious that with only one other set of hearings scheduled, um, that matters specifically around the DCO, um, and DCO drafting. Um, and it was more a question for the examining authority. So it was just to, um, just so we can plan, I think that some examinations take an approach of asking specific questions about DCI matters only part of a part of the rule eight or or, um, kind of have kind of separate work streams going on with the DCA.

01:36:17:26 - 01:36:28:08

Um, so it was just to ask really if the 1030 was thinking of anything along those lines or, or are we kind of keeping to we'll get the questions from the DCA when they come.

01:36:29:12 - 01:36:42:27

So again, just, just just just sound clear. You you're suggesting that you like some greater understanding as to whether sessions might be a perhaps, say, on, uh, requirements as a specific issue or what.

01:36:43:27 - 01:36:44:12

Uh.

01:36:44:26 - 01:36:45:11

In your mind.

01:36:45:26 - 01:37:13:01

I think it's just we're just conscious that, um, within a six month examination, if you were asking questions on the DCA a month and a half in, um, and then there's only one set of hearings that. Yeah, you know, often especially because the DCA is a consenting instrument. And, you know, there's always a lot of questions on the drafting. I'm just kind of conscious of it was just to ask if if you were planning to do any kind of other. Uh, there's rule 17 or otherwise in the part of the process earlier.

01:37:13:08 - 01:37:25:25

Well what else? I'm not going to go into detail now. I would expect that if there's questions to be asked in writing, they will be asked before any, any hearing on on the DCO. So well in advance of that, I'd have thought, okay.

01:37:26:25 - 01:37:27:26

Thank you sir. Uh, I.

01:37:27:28 - 01:37:50:15

Mean, obviously that doesn't mean to say that if there is a hearing, there may well be some consequential things that do come up that I can't I can't guarantee that, uh, uh, examining the examining authority's questions will cover everything in advance of that, of that meeting. Um, but that just just give you an idea of what my my thoughts are. Is that the, that any questions will obviously cover issues in the, in the draft development consent order.

01:37:51:00 - 01:37:51:21

Thank you sir.

01:37:57:09 - 01:38:29:10

Okay. Are there any other. Any other points on that item? Um, I'm I'm conscious. Uh, we're sort of getting to mid morning, but um, I will be now turning to item item six. Um, I'm also conscious of perhaps we've already sort of dealt, uh, particularly perhaps with Mr. Tierney's point that that Mr.. Is nodding to say that I think we've, we've covered that. Um, I think what we'll do is, uh, is just just continue. Um, and if it looks like this issue is going on for a while, then I will have a break.

01:38:29:12 - 01:39:00:20

But at the moment, I'll just, uh, I'll just continue. Uh, so there were a number of points I wanted to, uh, I wanted to raise, which I'll briefly go through first and then give anybody the opportunity to raise anything. Anything else? Um, uh, the first one was really just a question to the to the applicant. Uh, the applicant, uh, published an errata report, uh, pointing out a series of corrections to various documents. Um, uh, that that's where it, uh, it sort of stopped, as it were. I was just going to ask the applicant how they're proposing to deal with those.

01:39:00:22 - 01:39:05:19

It's their proposal to wish you revised. Revised documents with those. Those corrections.

01:39:06:13 - 01:39:41:23

And the spokesman. And sorry to know, the focus of that schedule was on documents that are unlikely to be updated through the examination process and certified documents and the like. Um, and, uh, I think it's it's typical on many, on many DCS for an award scheduled to be submitted without the need to update all the documents. They're there. These are very, very minor, uh, changes. They're also they're essentially about typos. Um, and I think it would be very much in the comments already this, uh, this morning to produce a set of documents that are just correcting those typos.

01:39:42:01 - 01:40:04:25

Um, when they don't, um, they're not certify documents and it's not going to be an issue based consent. I think, um, we felt would be slightly overkill. And that's why we produce the schedule. Otherwise I think we would have just submitted the updated documents with those corrections. Um, it was to try and be proportionate in into the examination and said, to be frank, there is enough documents to submit an examination without just dealing with those minor issues.

01:40:05:06 - 01:40:37:12

Okay. Thank you for that clarification. Um, is there anything anybody wants to raise about the Iraq war? I'm conscious some of these are quite detailed comments I've got, which I'm using the opportunity to ask the asking applicant. Um, next one is that, uh, a change request has been received from the applicant applicant relating to the parameters and work extent of work associated with the proposed, uh, jetty. Uh, I'm not going to take any decisions here today at this meeting. That's not what this meeting's, uh, uh, for. Uh, but just to say that I think in all likelihood, I will deal with that in my rule.

01:40:37:14 - 01:40:39:20

Uh, rule eight letter. Um.

01:40:41:26 - 01:40:46:29

Is there anything that, uh, the applicant wanted to to raise about the the the change request?

01:40:47:24 - 01:40:49:03

Uh, no, sir, I think.

01:40:50:02 - 01:40:54:08

Is anybody else? Uh, anything else anybody wants to raise about the the change request?

01:40:56:04 - 01:41:28:29

I don't think anyone's query on that. Um, the next one is, in response to relevant representations. The applicant, uh, has taken the decision to to omit the great, uh, breach pumping station, I think in response to, uh, representations made by the Environment Agency. Um, uh, but as well as, um, omitting it from the land plans from land to be acquired. Uh, there's also a change to the, uh, to to the application site boundary. And my question was how the, the applicant is proposing to, uh, to to deal with that.

01:41:30:12 - 01:42:08:16

Uh, Mr. Foxman, without the applicant. So we reflected that and the fact that we, alongside removing that plot from the land plans, we updated all of the certified plans to tweak the red line boundary to account for it. Um, I think that obviously we appreciate that. For example, the ES figures show site boundary, but the change is so minimal that it would have no difference to, for example, study areas or things like that reported on on in the. ass. Um, and in fact, I would suggest that because it was taking land out and just means that our study areas are more precautionary by a very minor amount than, than always be the case.

01:42:09:07 - 01:42:17:02

Um, so we've we've, we've updated the, the plans where, um, it's necessary to do so because it's easier for them to be consistent.

01:42:18:13 - 01:42:30:12

And so just, just, just so I understand why you haven't you didn't consider it necessary to make a formal change request for, for that, particularly for the change in the, um, excuse me, the site boundary.

01:42:31:14 - 01:42:31:29

Um.

01:42:32:23 - 01:43:06:04

And it's because this wasn't a design change, per se. Um, that land was in, um, on the basis that we may or may not have with the agreement of the Environment Agency needed to do protective works to the scheme, which we hadn't assessed and would have otherwise been, uh, subject to their consent under the PPS. So there's not a change to the design of the scheme. It was a response to, uh, that interested party. Um, and we've removed the remove the plot. Um, as I say, it would have. It has no impact on the entire rest of the application apart from where that red line is.

01:43:08:19 - 01:43:20:04

Okay, well, thank thank you for explaining that. If that's something I need to follow up, I'll. I'll do that probably in the, uh, in the rule eight letter. So are there any comments on that particular point that anybody else would like to raise?

01:43:22:11 - 01:43:52:29

Okay. Uh, the the other point, um, is really a, uh, thank you to the to the applicant for noting that there was a missing illustration from appendix H of the, uh, response to relevant representations, uh, which will be relevant, no doubt, to the issue specific, uh, hearing. I was going to ask ask for that today, but you've provided it and, uh, I've taken a procedural decision to, to to accept that. So thank you for thank you for supporting that and providing that. Those were the, um, those are the issues.

01:43:53:01 - 01:44:19:26

I wanted to raise it at that point. And I'm just looking back at my notes. Um, in terms of other issues that people wanted to raise, uh, under item uh, under item six, uh, Mr. Tierney has already indicated that I think we've covered the point that he wanted to to raise, uh, about the potential for cross and

cross examination and the implications for for the program, etc.. Um, is there anything else that anybody wanted to raise under item? Item six.

01:44:23:26 - 01:44:32:09

I'm looking around the room. I can't see anyone indicating anything. Uh, can't see any. Hands up. Uh, on online. Um, uh, in

01:44:33:26 - 01:44:45:26

in a similar vein, I'll then move on to item seven, which is just any other, any other matters. I haven't got anything else that I'd like to to raise. Um, can I just check to see if there's anything else that anybody else would like to raise before I, uh, close the meeting?

01:44:48:15 - 01:45:26:19

I'm looking around the room. I can't see anyone indicating, and I can't see, uh, anyone on online? I'll just talk a little longer, because I think sometimes the hams online take a little while to, to to pop up. Um, but in doing that little extra bit of talk, nothing seems to have appeared. Um, so in that case, uh, if there's no other, uh, there's no other matters. Um, I've, uh, thank you very much for your contributions. Um, I will take into account, uh, what people have said in terms of, uh, uh, any final decisions I make on the, the examination, which will be reflected in the the rule eight letter that I will issue.

01:45:26:24 - 01:45:46:10

Uh, after this, uh, after this meeting. Um, so, yes, thank you for your contributions. Both, uh, in, in, in the room and online. And thank you very much for the assistance, uh, from Mrs. Norris, Mrs. Allen, uh, and Mr. Hurley from the case team and also from the audiovisual company. Uh, the preliminary meeting is, uh, is now closed, so thank you very much.