



Hearing Transcript

Project:	Cory Decarbonisation Project
Hearing:	Compulsory Acquisition Hearing – Part 1
Date:	7 November 2024

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FULL TRANSCRIPT (with timecode)

00:00:05:16 - 00:00:30:09

Good morning everybody. It's now 10:00 and it's time for this hearing to begin. I'd like to welcome you all to this compulsory acquisition hearing, uh, pertaining to the application for development consent order for the quarry decarbonisation project. Firstly, can I just confirm that everybody can hear me clearly? Things not. So. That sounds positive. Can also confirm with Mrs. Norris and Mrs. Allen the live streaming and recording of this event is commenced.

00:00:33:27 - 00:00:34:13

Thank you.

00:00:36:09 - 00:01:06:28

My name is Mr. Jeff Underwood. I've been appointed by the Secretary of State as the examining inspector to examine this application. You may also hear me referred to as the examining authority. I'll deal with a few housekeeping matters, uh, for those attending in person and then online. Uh, these may be familiar to some of you who've been joining previous sessions, but I'm also conscious as people who haven't, uh, Attended before. Please can everybody keep their phones and devices to silence though? Don't interrupt proceedings for those who need it.

00:01:07:00 - 00:01:39:16

There's a hearing loop provided at the back of the room, and it's demarcated by white tape. So I think it's the last two rows of the seats. So if you if you need that technology, it's available for you at the, at the back. Um, the, uh the facilities, the toilets are on the corridor that leads to the, um, uh, the foyer just outside of this, this room on on either side. I'm advised that there aren't any planned fire alarm tests today. So if you do hear the alarm, it'll be the real thing. Um, if you could please follow the evacuation routes, which are signed by the green signs.

00:01:39:18 - 00:02:13:04

There's one on this side and three on that side. And then follow the, uh, subsequent signs to the muster point outside. In the interests of impartiality and fairness, all remarks to myself need to be made during this hearing where everybody can hear the comments. And that's not an opportunity to make private comments to me outside of the hearing. However, my case team colleagues will be available. If you've got any queries, you may see me talking to the case team, but this will only be regarding procedural matters and will not be about the merits of the application. It's inevitable given the layout of the venue and the hotel, that I may see you outside this room.

00:02:13:06 - 00:02:47:26

I'm not intending to be rude, but I won't enter into any conversation with you. But by the same token, you can be assured that if occasionally I'm in the same spaces as other participants here today, there'll be no discussion of the application or examination with them. For those attending online, I think the case team will have already explained the arrangements. But as a reminder, please can you keep your microphones muted and cameras switched off when not speaking as this will avoid any background noise and can assist with broad band width? Please note that the chat function is switched off, and if so, sometimes I might miss a raised hand.

00:02:48:01 - 00:03:21:07

Um, if it seems that I'm ignoring that and the case team haven't alerted to to me, uh, if you just let me, let me know by switching your camera on. Uh, but I will endeavour to keep an eye on the, uh, on the feed for that. For those of you watching the live stream, uh, if we adjourn this morning, you'll need to refresh your browser when we resume the to, uh, in order to follow the event. And this meeting will follow the agenda published on the National Infrastructure Planning website on the 28th of October. Um, it's examination library reference EV 1001.

00:03:21:13 - 00:03:53:09

This is a slightly revised version of the initial agenda published in my rule six letter on the 7th of October. Uh, and a couple of items have been expanded with some more specific elements relating to more detailed points I'd like to cover. It'd be helpful if I have a copy of this in in front of you. Uh, I understand that QR codes are available to provide a link to the agenda, and, uh, I also understand the applicant will display the agenda on screen at the appropriate, appropriate junctures. The agenda is for guidance only. And I may add other considerations or issues as we progress.

00:03:53:17 - 00:04:28:21

I will conclude the hearing as soon as all the relevant contributions have been made, no questions asked and responded to. If the discussions can't be concluded, then it may be necessary for me to prioritize matters and defer other matters to further written questions. Likewise, if you can't answer the question being asked to require time to get the information requested, then please indicate if you need to respond in writing. I explained the purpose and background to this early compulsory acquisition hearing in in the annex of my rule six letter at the 7th of October, but I will I'll take it that everybody's read that, but I will touch on some points now.

00:04:29:03 - 00:05:07:05

I've arranged this meeting as it was expedient to me to consider some compulsory acquisition matters and questions orally at the outset of the examination, in order to develop a broad understanding and an overview of the compulsory acquisition and related provisions within the draft Development Consent Order. All affected persons are welcome to attend, and this is not preclude an effective person from making all representations at this hearing. However, they should note this as his first hearing will involve a high level overview. It's not anticipated there will be any detailed discussion or questions relating to individual provisions within the draft Development Consent Order, other than those particular ones I've pointed out.

00:05:08:09 - 00:05:20:20

The program allows for another compulsory acquisition hearing in the week commencing the 10th of February. Affected persons should notify their request to speak at that meeting by deadline one that is the 26th of November this year.

00:05:22:05 - 00:05:52:08

Today's hearing is being undertaken in a hybrid or blended way. That means some of you are present with us at the hearing venue, and some are joining virtually using Microsoft Teams. I'll make sure that however you decided to attend today, that you'll be given an off fair opportunity to participate in. A recording of today's hearing will be made available on the Cori Decarbonisation Project section of the National Infrastructure Planning website, as soon as practicable after the hearing is finished. With this in mind, please ensure that you speak clearly into microphone, not speaking too quickly, stating your name and who you are representing.

00:05:52:10 - 00:06:25:08

And if you could do that each time you speak, that might seem a bit of an imposition if you're making multiple, uh, comments during the meeting, but it is important to ensure that those people, uh, watching the live stream and also for the recording that we know who's speaking to each, uh, each time. If you're not at a table with a microphone that there is a roving microphone, uh, should you need it. So please indicate that you require one and wait for this to be brought to you before you speak. Please note that the recording, any transcript, will be the only official record of this meeting, a part forming, part of the examination documents.

00:06:25:10 - 00:07:03:23

And so any social media posts, blogs, messages or similar forms of communication won't be accepted into evidence, into the examination and won't be seen by me. I link to the planning Inspectorate's privacy notice was provided in a notification for this hearing. I'm assuming that everybody here today is familiarize themselves with this document, which establishes how the personal data of our customers is handled in accordance with the principles set out in data protection laws. It makes it clear that today's hearing is being recorded and live streamed. So unless absolutely essential, please do not provide any personal information, either about yourself or other parties that you would not wish to be shared in a live stream or retained on a recording.

00:07:04:00 - 00:07:31:03

If you've got any queries about this, please speak to Mrs. Norris or Mrs. Allen. It's important that I point out that I can refuse to allow representations to be made at this hearing if I consider they're irrelevant, vexatious, or frivolous. Relate to the merits of policy set out in national policy statements repeatedly representations already made in any form and by any person, or relate to compensation for compulsory acquisition of land or an interest in it or a right over land.

00:07:32:28 - 00:08:16:21

Finally, whilst the examination procedure rules allow me to permit oral questioning of parties by a person other than myself in certain circumstances, I don't envisage that would be necessary given today's agenda. I'll now briefly explain the purpose of this compulsory acquisition hearing. The application for the proposed development includes a request for an order granting development consent to authorise compulsory acquisition of land or compulsory acquisition of an interest in it or right over land and temporary possession powers. This hearing is in order to enable me as the

examining authority to hear, and, where necessary, probe the applicant's strategic case in respect of the application and some detailed points to those affected persons who have requested to be heard but have not attended to speak.

00:08:16:23 - 00:08:41:16

Today, rest assured that you will be heard at the relevant compulsory acquisition hearings, which are being held later in the examination timetable, if you're requested to do so by the deadline in the timetable. In the meantime, you're welcome to watch online or listen to the recording, and to send in your comments as post hearing submissions for deadline one in the examination timetable. Can I just see if there's any questions about the procedural aspects I've just run through?

00:08:45:06 - 00:09:30:03

Thank you. Um, there may be reference to a number of documents, uh, today. Um, it's possible that it might refer to the book of reference, the land plans, the statement of reasons, the funding statement, the schedule of negotiations and powers sought, the Land Rights Tracker, the Terrestrial Site Alternatives report, and the applicant's response to relevant representations. Um, however, if the parties are referring to any of those documents, it'd be helpful if you could indicate that, uh, but beforehand, I'm conscious that some areas of discussion relating to site alternatives, uh, and obligations on areas of land, uh, will have overlapped with matters that were discussed at an issue specific hearing yesterday, particularly with regard to options and the alternative, uh, siting of the carbon capture plant.

00:09:30:16 - 00:10:09:27

There's therefore no need to repeat points already made or for a comprehensive repetition of points made at the issue specific hearing, however unconscious, there are participants today who may not have observed or participate in the issue specific hearing. And so it's possible that some brief explanation may be necessary, but only where required. I'm now going to ask those of you who are participating in today's meeting to introduce yourselves. When I state your organization's name, could you introduce yourself stating your name, who you represent and which agenda item you wish to speak on? If you're not representing an organization, please confirm your name and summarize your interest in the land or in the application and confirm the agenda item which you want to speak on.

00:10:10:02 - 00:10:40:13

For larger teams, there's no need to introduce the whole team. If at this stage someone not intending to speak at this this hearing, just provide your name at the time. If it turns out that you do need to speak later on. Uh, could you also make it clear if, uh, if you are or representing an infected person, that is a person whose land would be affected by the proposed compulsory acquisition or temporary possession, uh, proposals in the application. In doing so, be helpful if you could just indicate how you prefer to be addressed. That is. Mr.,

00:10:40:15 - 00:10:58:21

Mrs., miss, doctor, miss, etc.. I'll start with those participants in the room and then move on to our online participants. However, if organizations here have representatives both in the room and online, it would be most effective to introduce yourselves all at the same time. Can I start with the applicant to please introduce your team?

00:10:59:07 - 00:11:25:04

Yes. Good morning sir. My name is Miss Rebecca Clayton Clue. And as yesterday, I'm joined by Mr. Andrew Tate tonight of King's Council and up to his left Mr. Matt Fox, solicitor for the applicant. And then you'll principally be hearing today from Mr. Stuart Cooper who's the gentleman to my right. He is a senior director at Arden and the lands lead for the project.

00:11:29:18 - 00:11:30:03

Thank you.

00:11:33:15 - 00:11:37:00

Have we got anyone from the London Borough of Bexley Council present today?

00:11:37:12 - 00:11:45:21

Good morning, James Hughes, principal planner at London Borough of Bexley. I'm not expecting to speak further today. I'm largely here to observe. Thank you.

00:11:50:01 - 00:11:51:27

Western Riverside waste authority.

00:11:59:01 - 00:12:06:11

Can you hear me? There? I can hear you. Yes. Um. Melissa Murphy, King's council. Um, miss and MEP.

00:12:06:18 - 00:12:24:16

Why? I'm instructed by Bevan Britain on behalf of the Western Riverside Waste Authority. And I'm joined here by Rachel Espinosa. But I will be, um, through you, of course, asking any questions that arise or making any contributions as needed. Thank you.

00:12:26:09 - 00:12:30:20

On behalf of the landfill, limited amounts to join your UK limited colleagues.

00:12:31:16 - 00:12:38:14

Good morning, Sir Richard Tierney. King's Council instructed by landfill Llandysul and Monk to Joinery. Thank you.

00:12:42:04 - 00:12:47:28

And, uh, Steve, crossing this nature reserve, I'm not sure whether actually they're joining online today.

00:12:50:25 - 00:13:17:02

Good morning sir. Um, miss Lachlan Bryant, Council on behalf of Croissance Nature Reserve. Also joining me online is miss um, Caitlin Quinn. If I pronounce that correctly, she's of Suffolk Law Centre and instructing me with Jed Holloway, who's not here today. I'm not sure which members of the campaign group are here, but I'm acting on their behalf today.

00:13:18:10 - 00:13:18:25

Thank you.

00:13:20:14 - 00:13:27:09

Um, and just just before I ask other online participants introduce themselves. Is there anybody in the room who I've missed?

00:13:28:24 - 00:13:36:13

No. Thank you. Um, so in terms of those who I understand the joining online at Thames Water.

00:13:40:07 - 00:13:55:06

Good morning, Sir Martin Pennington, solicitors for some water. Mr. Wilson isn't attending today. Um, he's watching the line. Um. I'm sorry. I also joined by. You can introduce yourself.

00:13:57:03 - 00:14:03:22

Good morning sir. Uh, Mrs. Harriet Ramsey, um, a partner at Brunel's surveyor representing Thames Water, as Martin just said.

00:14:05:06 - 00:14:05:25

Thank you, thank you.

00:14:07:10 - 00:14:15:12

Um, Peabody Land, Finland. And I understand they're being jointly represented, uh, along with Iron Mountain.

00:14:17:06 - 00:14:31:09

Yeah. Good morning, sir. Uh, my name is Steven Walker. I'm an executive director, chartered surveyor at CBRE. And yes, I do represent both Peabody Trust and Tilton Land and Iron Mountain.

00:14:34:01 - 00:14:34:16

Thank you.

00:14:37:00 - 00:14:39:07

And the Port of London Authority.

00:14:43:15 - 00:14:57:09

Good morning, sir. Uh, Laura. Nation of cowlings. Wlg. Um, representing the Port of London Authority. I've also got Ben Fanning, head of estates at Port of London authority on the line. Um, potentially speaking in respect of item four.

00:15:01:10 - 00:15:01:25

Thank you.

00:15:04:27 - 00:15:09:29

Is there anybody else, uh, participating online who I haven't, uh, uh, mentioned?

00:15:14:09 - 00:15:15:12

Okay. Thank you.

00:15:17:24 - 00:15:20:24

Can I just check to see if there's any members of the press here today?

00:15:23:23 - 00:15:30:29

It doesn't look like it. Is anybody intending to record the event other than obviously the the official recording that's been carried on.

00:15:34:09 - 00:15:34:24

Thank you.

00:15:36:14 - 00:15:51:27

Now, bear in mind the purpose of today is to hear the applicant's strategic case and for me to probe a few detailed matters. And if I can ask that, uh, if there's anyone else in the venue, uh, or online, who wishes to speak. I think I've probably already done that, but just a double check.

00:15:53:27 - 00:15:54:16

Thank you.

00:15:58:03 - 00:16:09:04

So I think that's covered, uh, everything I wanted to deal with on item one on the agenda. Uh, just before I move on to the next one, can I just check if there's anything that anybody wants to raise at this point?

00:16:12:12 - 00:16:38:23

Thank you. So I'm going to shortly invite, uh, the applicant, um, to address their general case. Um, there were some detailed points which I've flagged up on the, the agenda. Um, and, uh, I can either leave it to you to introduce your general case and deal with those, or I'm happy to ask them some questions about, uh, about those. Um, so I'll hand over to the to the applicant, please.

00:16:38:25 - 00:17:19:22

Thank you, sir Rebecca Clayton for the applicant. I propose to just pick them up in, um, the explanation of our general case. I'll start with our general case, and then I'll just pick up the detailed points you've indicated. So, sir, um, the applicant is obviously satisfied that the powers of compulsory acquisition and temporary possession that it has included within its draft DCO are necessary, proportionate and justified. Um, we consider that the powers sought are in accordance with the relevant statutory provisions and also the guidance now, at the case that we have made in relation to those powers is principally set out in full documents, being the statement of reasons.

00:17:19:24 - 00:17:44:20

AP 020. The Project Benefits Report AP 042 the planning statement app 040 and the funding statement app 021 that is also supported by the land plans, which I believe are now, as I think zero 52, which I've written 006 here, but we might just need to check that.

00:17:45:00 - 00:17:59:17

I'm conscious that, uh, the, the, the applicant has provided and I've, uh, uh, I've accepted as a, as a submission that the land plan, which is, uh, slightly, slightly different to that submitted, which omits, uh, the Great Bridge pumping station.

00:17:59:19 - 00:18:43:00

Yes. The present purpose is, you know, for the for the matters we're going to talk about today, to the extent that we go to those land plans, they're unchanged in all the versions. Um, the book of reference also, as you've already indicated, says as 058 and the schedule of negotiation and power sought as 018 and the land rights tracker PDA 012. Uh, in terms of the specific statutory test, as you're aware. Section one, two, two provides an order granting development consent can only include compulsory acquisition powers if the Secretary of State is satisfied, firstly, that those powers are required to facilitate the development required for the development or incidental to it, or providing replacement land.

00:18:43:02 - 00:19:23:27

And we refer to that as limb one or, and also that there is a compelling case in the public interest, which I'll refer to as limb two. And the compulsory acquisition guidance also sets out the considerations that the Secretary of State and you serve will need to take into account when considering whether there is a compelling case. And, as you will already foreshadowed in your questions, that includes, of course, the question of whether there are any reasonable alternatives to compulsory acquisition and whether the land that's being sought is what is reasonably required for the purposes that it is being acquired now in relation to limb one and the.

00:19:24:00 - 00:19:54:10

We consider this provision to be satisfied. The schedule of negotiations and powers sought and the Land Rights tracker. Both set out the details of the purpose which compulsory acquisition and temporary possession powers assault. And it should be aware they relate primarily to the land required for the carbon capture facility itself. The Mitigation and Enhancement Area, the proposed jetty at piping and utilities at site access works corridor that's required.

00:19:54:28 - 00:20:13:27

But in addition to the information that you have in the schedule of negotiations in power sought and the Land Rights tracker, you'll also be aware that schedule eight of the draft DCO seeks to provide clarity on the rights and the restrictive covenants that are being sought through the order. That's the A0 five six if you need it,

00:20:15:15 - 00:20:48:11

and the applicant's view is that the land included within the order limits is no more than it reasonably considers to be required at this stage of design development. And we are, of course, conscious that the scale of land takes sort of specific in relation to individual plots is of particular concern to affected persons, and that's particularly in relation to the land take for parts of the carbon capture facility itself. And I won't repeat, but I'll remind you, sir, of the what you heard yesterday from Mr.

00:20:48:13 - 00:21:07:05

Alderson about the land requirements for that. Um, for the for the development and in particular, the land hungry nature of that and the need to ensure that adequate space and land is acquired in order to deliver all the essential facilities that make up the carbon capture project,

00:21:08:20 - 00:21:39:08

uh, in relation to limb two. Then the compelling case, um, first of all, Secretary of State has obviously, through his section 35 direction, recognised from the outset that this is a project of national significance. And the documents that I referred to earlier, the statement of reasons, the planning statement and the project benefits report are the documents that together set out the reasons why we say that compelling case arises. And I'm not going to go over that in any detail today.

00:21:39:10 - 00:22:22:18

So because I think you're familiar with that, in terms of alternatives to compulsory acquisition, the applicant has carefully considered whether there are alternatives. But first point to make is that there is no option available that would not involve the acquisition of third party land in order to seek to avoid compulsory acquisition in principle. Therefore, what the applicant has done and continues to do is to seek to achieve a negotiated position with those parties from whom land and rights are required in order to see if compulsory acquisition can be avoided In terms of the land that we've selected to acquire for compulsory acquisition to deliver the project.

00:22:22:23 - 00:23:00:23

You heard extensively yesterday about the alternatives and the approach that's set out in the terrestrial, um, site Alternatives report and the addendum to that. And again, I'm not going to go over the detail, but obviously the applicant has sought to explain how it's balanced a number of factors, including the need to minimise third party land, take in, determining which which sites it ought to select. And that has included detailed consideration both of alternative layouts in the South Zone, but also detailed consideration of, uh, acquiring land to the east.

00:23:02:19 - 00:23:30:05

And a really important point to note in terms of the compulsory acquisition tests is that the option that has been selected by the applicant does involve the least compulsory acquisition of third party land because it does it does allow development that's on land that's already in the controls of Cary or Cary companies. And that's the borax land that we discussed yesterday to the northern end of the site.

00:23:30:07 - 00:23:39:05

Yes. So when you when you say the the least amount of control, so can you what does that mean? Is that spatially number of people affected persons of.

00:23:39:07 - 00:23:40:02

Land area.

00:23:40:06 - 00:23:42:19

And area. Thank you. Yes.

00:23:45:11 - 00:23:46:18

So so yes.

00:23:46:28 - 00:23:47:13

Yes.

00:23:47:18 - 00:24:19:19

So, um, as you're aware, the the the principal land acquisition in the south, all that that which has generated the greatest level of concern is the land acquisition in relation to Munster joinery and land sells land. And again we discussed yesterday in detail, uh, the applicant's rationale for, uh, taking that land and its view that it cannot, uh, that it cannot deliver the project without the acquisition of that land parcel in full.

00:24:19:21 - 00:24:51:28

Now, of course, we recognize that that is a position that's in dispute with, uh, the landowner. And, um, that difference is one that's going to be explored through the evidence in due course. So I don't propose to go over that now. Uh, having considered those alternatives, we say there are also no other known impediments to the delivery of the scheme. And that includes, uh, that includes the availability of funding, which is obviously a matter that is addressed later in, in this, uh, agenda.

00:24:52:28 - 00:25:16:06

So that's the general case, uh, sir. Both. So we satisfy both limbs of the statutory test. We satisfy the policy tests that arise in relation to compulsory acquisition. And so what I propose to do now is just turn to our justification for the compulsory acquisition of particular areas, are dealing first with the Thames Path and then doing secondly with crossing this nature reserve.

00:25:16:21 - 00:25:27:00

And just just for for confirmation. My understanding is in your reference to what you talked about to to lim one um, there is there's no provision for replacement land in your. That's right.

00:25:27:02 - 00:25:35:09

No. And we'll obviously come on to special category land on a later agenda item. But our position is that no replacement lands required as you're aware.

00:25:38:18 - 00:26:10:27

But okay, turning then to the question of the Thames Path, now, the relevant Thames Path plots that are in ownership of the Port of London Authority, the PLA are 1/1011103 and 1/13A and they are on A is A052. But you can look at any of the plans for these purposes. And sheets one and two I don't suggest that we need to go to those immediately, but that's where they are.

00:26:10:29 - 00:26:13:01

If we do find we need to in this discussion.

00:26:14:16 - 00:26:35:20

Those actually I'm just going to just obviously I think there's some parties going to be very familiar with the various plots. I don't know whether it is possible for the for the applicant to perhaps just pop that up for those who are perhaps a bit unfamiliar, so conscious, for those who are perhaps less less

familiar with, there's gonna be a lot of reference to specific numbers. And I think seeing a plan showing those three plots might be. Yes.

00:26:35:28 - 00:26:45:12

So it's it's sheet one of two and it's at the northern end of that actually, I'll just bring them up on me as well.

00:26:47:12 - 00:26:51:06

So can I check that we're working off the are we working off the revised I.

00:26:51:08 - 00:26:58:13

I am, but um, for the purposes of these plots, it doesn't actually make any difference as 052.

00:27:05:20 - 00:27:07:00

And if we zoom in.

00:27:09:15 - 00:27:31:18

That's it. So at PLA plots 11011103113. Eh. That's not all the PLA plots. That's the PLA plots that relate to the Thames path. They do own other plots outside of that. Uh, not least for example.

00:27:32:06 - 00:28:05:05

Again, obviously there are some limitations given the amount of detail on this on this drawing. But, uh, hopefully people can see there is a linear feature that that runs along which is both, uh, colored yellow and, and pink on that drawing. And yeah, my specific interest, uh, at this hearing was just asking about that part which is within the pink area, which, yes, it's probably difficult to see those numbers on, on the drawing, but, uh, I don't know if somebody could could waggle a cursor just along that just so that people, uh, online can just.

00:28:05:09 - 00:28:10:02

Perhaps if Mr. Fox is either goes in points to him on the screen or says.

00:28:14:03 - 00:28:15:06

Yeah. Thank you.

00:28:17:26 - 00:28:21:15

Like, hopefully that means that people here. I appreciate that. Yeah. So please, Carol.

00:28:21:24 - 00:28:55:07

And perhaps if whilst we're looking at that part of this plan, you'll see there the jetty. And that's going to become quite an important feature in the conversation that we're about to have. So those plots, together with others that are owned both by the PLA and I think I made reference to moments ago to one, uh, 104A, which is, uh, the plot that you actually can't see it on the screen, need to move over slightly on the plan as shown on the screen of the direction. That's it. So it's the that's the plot that's, um, annotated in the top right hand corner.

00:28:55:27 - 00:29:14:26

That's also PLA land. That's the riverbed and also land that's owned by the Western riverside. Uh, A waste authority, which is plots down 1096 and 1105.

00:29:16:23 - 00:29:59:00

So the reason I mention those is because the template plots that we've mentioned together with those other plots that I've just mentioned that are in the ownership of the PLA and the Western Riverside Waste Association, are all plots that fall within the limits of deviation for the works, for the construction of the jetty. Now, that jetty is your where, so is not yet designed in detail the scale, size, the number of stanchions, the position of those stanchions. They are all matters that are to be determined depending on factors including whether the jetty, the Belvedere, existing power, belvedere, power station, jetty is to be retained or demolished.

00:29:59:20 - 00:30:31:17

And so what the applicant has sought to do is to retain appropriate flexibility to ensure that a safe and suitable jetty can be constructed within those limits of deviation. And so you'll no doubt be aware that doing so is a normal and well-trodden route for DCO projects, which are rarely designed in detail at the consenting stage. And so what the applicant has sought to do is to acquire the freehold of all land within that area at both.

00:30:31:19 - 00:30:40:01

Firstly, to ensure that sufficient land rights to ensure that jetty can be delivered or obtained both in terms of its footprint on the ground and at height.

00:30:43:03 - 00:31:36:05

And also to ensure that all the land required for the jetty is in principle in a single ownership for operational efficiency and certainty. Now in practice, Compulsory acquisition firstly will be minimised because the applicant will only vest the land that it actually requires for the delivery of the final jetty design. But in relation to the PLA land in particular, including those Thames Pass plots, the protective provisions that have been proposed will require the PLA agreement before compulsory acquisition powers can be exercised, and so in practice, those powers are only ever going to be exercised over an area that they are content to see as acquire.

00:31:36:07 - 00:32:00:14

And of course, more generally, we are in discussions with the PLA about the land and rights that we need on a voluntary basis in any event. So in terms of the order, we've sought to adopt a consistent position in relation to the land that's required or may be required for the jetty, and I've set out the reasons for that. So that is why it's proposed as freehold acquisition as notwithstanding.

00:32:00:16 - 00:32:35:15

Yeah. I and I take your point about the, the provisions in the, in the DCO in terms of the relation to the Port of London Authority, um, from, from reading both, uh, the applicant's case and also uh relevant representations obviously uh, the Thames, Thames footpath, the you know, it seems to be a valued, uh, a valued asset. And I think, I think the question is why it was necessary to, uh, given from what I understand from your application is effectively at that point, any, uh, equipment and that sort of leading to the jetty would over sail or any, any footpath.

00:32:35:17 - 00:33:00:20

And that was your intended sort of final, final design approach is why it was actually necessary to, uh, actually acquire or put in a provision to ultimately acquire that land. Uh, you know, because even from what you explained in terms of necessity for construction, uh, etc.. Um, what? So, yeah, can you expand on why it's actually necessary to acquire that rather than, uh, rights or something that might fall short of actually acquisition.

00:33:00:25 - 00:33:32:22

Well, we, as you say, we are going to need to acquire certainly a stratum of airspace over the Thames Path. We're going to have, um, a footprint that could be very close to the edge of the path. Really. It has just been about trying to adopt a consistent position in relation to all the land required, uh, in relation to the jetty and also, as I say, recognising the fact that this is probably going to change slightly through discussion with the PLA and what they're prepared to agree anyway.

00:33:33:03 - 00:33:40:10

Um, so, so it has really been principally about adopting that single consistent position in relation to the land acquired for the jetty.

00:33:41:08 - 00:33:59:00

But in terms of the tests that will need to be applied. Um, and, you know, ultimately, if the Secretary of State considers uh, uh, that I mean, is consistency sufficient, uh, to just to justify that, as I say, the full acquisition of that particular, that particular or those three parcels of land.

00:33:59:20 - 00:34:22:06

Well, so, I mean, we do say, obviously that we are going to require, um, a, a even if it's a flying freehold, a freehold of land over that path at the airspace. So we would say that justification for permanent acquisition has been made out. But obviously we've I've heard what you've said, and that's certainly a point that we can take away and consider.

00:34:22:17 - 00:34:47:23

So again, you can perhaps, perhaps help me here in terms of sort of the airspace. I mean, you've already got, uh, a sort of a, I guess, a broadly similar arrangement with the ramp to, to to the current pier that serves the riverside one. It, it it's that a similar arrangement? Do you, do you actually own the, the the the freehold land. Because I'm not I'm not sure you do. From looking at the information that's provided there.

00:34:47:25 - 00:34:53:03

I'd have to check the answer to that, um, with you and come back to you. I'm afraid I don't know. Off the top of my head.

00:34:53:06 - 00:35:33:02

Yeah, I guess again, just just coming back to, you know, in writing my report, I'm going to need to sort of have a clear understanding, uh, of, uh, of making sure that the test tests are met. Um, so, so, um, yeah. Yeah. I mean, I mean, conversation ever. Um, so it is at the, I mean, I think I, I haven't got any detailed questions, um, about other parts of the corridor because I understand what you're saying about the flexibility. And I understand that obviously, in order to get the, the pipeline and a trestle or

equivalent to a proposed jetty, there is obviously going to need to be some physical intervention, uh, to provide support for that trestle.

00:35:33:11 - 00:35:38:23

But clearly that's not going to be necessary where there's land going underneath that's going to be accessible.

00:35:39:03 - 00:35:59:02

Well, sir, as I say, I've heard what you've said, and we will take that point away and consider it. But but beyond that, well, obviously, when we come to respond in our deadline submissions, we can either. We can confirm the position that we've set out today in writing so that you have that. But I say we will. We've heard what you say and we'll we'll take that voice away.

00:36:20:29 - 00:36:47:13

So I'm just trying to make slightly clearer notes today, because there was a slight confusion with some of my notes yesterday. So thank thank you for that. Um, I, I think bear in mind what, uh, what we said, uh, Mr.. I don't think I've got any other questions about those particular plots of land. So you mentioned you were actually prepared to to deal with the next question. So I'll let you, uh, uh, carry on there.

00:36:47:19 - 00:36:48:04

Rebecca.

00:36:48:15 - 00:36:56:12

I just. I haven't seen any indication it's. Does anybody want to raise anything on. On that particular, uh, matter? Uh, Miss Murphy?

00:36:58:11 - 00:37:28:28

Well, sir, um, I don't want to interrupt your flow, but just because we've got this particular location up, I wondered whether through you, we could. The land to the west of it is yellow land includes a jetty and an interest at 2005. If it was convenient to you to hear about the justification for the inclusion of that land now. Um, I'd be I'd be keen to hear it. If that fits in better in another part of your agenda, then obviously that's that's for you.

00:37:29:27 - 00:37:40:23

So can you just give us a bit more information? It might might be better if we just hold that until, till the end of the session. But yes. Sophie, can you just explain which bit of land you're talking about? So I.

00:37:41:17 - 00:37:51:07

Um, so if that if that screen can be moved to the so that we can see the yellow land to the west and pull it down a little so that you can see further up the plan.

00:37:53:17 - 00:38:03:08

Uh, are you well, you can see part of it anyway that you you've got what I'm looking at here. I've got a, um.

00:38:04:23 - 00:38:06:12

Yeah. Okay. Um.

00:38:08:06 - 00:38:17:09

Um, for the applicant, I think it's because it's on sheet two rather than sheet one. So if we can answer sheet two, it's the left hand corner of that 2005.

00:38:17:11 - 00:38:32:15

That's brilliant. Thank you so much. Um, so that's you can see there an area of yellow land. Um, and there is a jetty there and that's been included in the land plan and just wondered why why that was.

00:38:33:10 - 00:38:49:11

Well, given given that it's a very simple question I will ask the applicant if, if you want to address that. So I think if I understand that the land plot is effectively that which includes the existing jetty that serves the riverside one uh power station at its bottom.

00:38:49:18 - 00:39:28:19

The applicant say that plot that is the Middleton Jetty as its name. Um, but that that plot and the other, uh, yellow plots are in the rivers to essentially allow for flexibility in construction of the jetty next door. Obviously, Middleton Jetty is used as an operational jetty. Um, for Riverside one and a due course for, um, Riverside two. But it's just to allow for the flexibility in, in construction. We may need to, um, utilise the Middleton jetty and as we are a separate project, it's just to ensure that we can do that, um, without impediment.

00:39:32:06 - 00:39:42:00

Also, my understanding is that is, uh, the proposal there is for a temporary, uh, possession rather than compulsory acquisition, isn't it? And I would add that.

00:39:42:02 - 00:40:16:25

That plot, uh, is um, interest by, um, what I would call triple RL, which is the, um, the entity, uh, who owns and operates, uh, Riverside one. Um, and in due course, uh, may have interest from ripple, which is the entity that will operate Riverside T and both parties have controls and they're protective provisions, which means that any of the land powers, including temporary possession, can't be operated without their consent. So this is not in a vacuum. So anything that we do within that plot would be, you know, working in conjunction with, um, those two entities.

00:40:18:12 - 00:40:22:19

Thank you. Uh, hopefully that's the that's answered your question.

00:40:23:28 - 00:40:27:28

Well, we may wish to comment on it, but that thank you very much indeed. That was helpful.

00:40:28:03 - 00:40:41:09

Yeah. I think perhaps what would be helpful is if we can perhaps get to the end of, uh, that first, uh, 2.2.1 and then if there are any points that any parties want to make, that might be a convenient opportunity to pick those. Pick those up. Thank you.

00:40:41:25 - 00:41:07:29

Thank you. Rebecca. For the applicant, sir, they're moving on to Cross Ness local nature reserve. Um, relatively short points on this. So, sir, as you're aware, uh, the the key proposal that the applicant is advancing is that the outline lab odds, as we've been referring to it, I can't remember the full title landscape. Mr. Fox might be able to do it just so we've had it for the in in here outline.

00:41:08:01 - 00:41:11:07

Landscape, biodiversity access and recreation delivery strategy.

00:41:11:22 - 00:41:16:06

Thank you. It's probably convenient to use its, uh, acronym given such a long document.

00:41:16:08 - 00:41:48:11

We did say Rebecca Clump for the applicant. We did say we'd do that yesterday, but it did ought to be referred to at least once, I suppose, in full. So the proposal is, anyway, that the outline levels will replace, uh, replace the existing management plan provision and build upon it an important point. And, uh, that was a matter that was obviously the subject again, of some discussion yesterday in issue one. So the existing management plan provision is a starting point but not the end point. We go on, we say, to produce something that is bigger and better.

00:41:48:13 - 00:42:31:14

And also, um, that is uh, for the most part comprehensive. I say for the most part because we do obviously have the, uh, issue with the land that is within the Thames Water site that you no doubt will return to later. Um, in our view, compulsory acquisition is reasonably necessary to achieve those aims for three reasons. First of all, we need to be able to demonstrate to the Secretary of State that that outline Labor's proposals or that those outline proposals are in fact deliverable, and that we are able to deliver the consolidated, expanded local nature reserve that we have proposed.

00:42:31:19 - 00:43:06:27

And obviously what we are looking to do so is to achieve a negotiated position with Thames Water. But we say that in the absence of that, the compulsory acquisition powers are required to ensure that we can deliver it. And a second reason for saying that they're reasonably necessary builds upon that, because our view is that the compulsory acquisition of rights by the applicant over that land to deliver it wouldn't then stop Thames Water doing something different or inconsistent with the outline labour odds.

00:43:07:20 - 00:43:36:25

And so in those circumstances, what you would then also need to do is impose restrictive covenants across the entirety of that area, which would effectively prevent Thames Water from really doing anything with the land. And in our view, that position is de facto akin to acquisition in any event, because you'd be taking away so much of what they could actually do with the land that it would render what rights they had remaining essentially nugatory.

00:43:40:18 - 00:44:29:18

And then thirdly, in a related point, we also can't compulsorily acquire a positive covenant requiring Thames Water to look after it in the way that we wish it to be looked after in accordance with the outline. So the combination of those three factors is why we say compulsory acquisition is necessary in relation to, um, that the land in Cross Lake Local Nature Reserve, that's within our order limits. Now that we talked yesterday about the members area that sits behind the Thames Water fence line, and the position is different in that area, as we indicated yesterday, our understanding was that that area is behind Thames Water's operational fence and within their operational site boundary.

00:44:29:20 - 00:45:05:15

I appreciate that Mr. Wilson for Thames Water suggested something slightly different yesterday, but that's not consistent with our understanding to date. Uh, we do want that area to be managed as part of a consolidated local nature reserve, but we recognise that Thames Water might take a different position in relation to that. And so the benefits that we've relied on in terms of our expanded local nature reserve, don't rely upon that. If we can do, uh, if we can reach agreement with Thames Water such that that land through the section 106 agreement can be managed in the same way as the rest of the land that's subject to the outline lab Ards, then.

00:45:05:17 - 00:45:37:03

Great. But if not, as Mr. Fox explained yesterday, will simply amend the draft DCO and the related control documents to, uh, exclude the abrogation of the existing section 106 obligations from the members area and will redraft, uh, our outline levels to say something along the lines of that will look to to work with Thames Water or manage it consistently or something like that. But it's it's not critical to our proposal and that's why that area is treated differently.

00:45:37:27 - 00:46:22:07

So yeah, I just saw some some more details about this. A very broadly speaking I am generalizing here. Your intention for what what I'll refer to is your proposed, uh, in, you know, uh, altered local nature reserve, uh, is a combination of some physical interventions, be that, uh, creation of footpaths or creation of wildlife, uh, uh, features, uh, followed by a particular management approach. Um, I guess my question is what? Firstly, why couldn't any interventions just be dealt with under sort of temporary possession of, uh, of land in order to, to implement those? And subsequently, if you could say a bit more about why obviously Thames Water already have a management plan for that area.

00:46:22:15 - 00:46:35:21

Uh, why there aren't alternatives into that would provide the, uh, a surety that it's managed in an appropriate way. One that actually has to rely on compulsory acquisition rather than an alternative arrangement. Well.

00:46:36:18 - 00:47:10:19

So Rebecca Clayton, for the applicant, I'm going to come to that second point first, because I think, frankly, the answer to the first question doesn't matter if the second, if you can deliver the the works under temporary possession, if you can't then manage them. It doesn't matter that you can deliver them under temporary possession in the first place. So the management is really key. And ultimately we cannot force Thames Water to enter into an agreement with us. We cannot force them to either

amend the existing section 106 or enter into a new section 106 that provides for the management of that land.

00:47:10:21 - 00:47:47:22

There is no power for us to do that. We can't impose positive covenants on them, as I've already indicated. So there is no mechanism by which we can require the existing landowner to do anything that they don't want to do with that. And that being So we have to have sufficient rights over that land in order to deliver it ourselves, I say, and I've already explained why we couldn't just take the rights, because that would still leave a position where Thames Water could do something that was inconsistent with the management that we've proposed.

00:47:47:27 - 00:48:03:20

And so we would have to impose pretty extensive restrictive covenants over the entirety of that site, which, as I say, is de facto acquisition in any event, but without frankly, giving them the benefit of, uh, you know,

00:48:05:05 - 00:48:09:02

of actually having had the, the land taken off them in in total.

00:48:14:00 - 00:48:23:11

So the points also just being made to me, quite rightly, that obviously in terms of enforcing matters under the DCO, we need, we need the ability to do that as well.

00:48:24:24 - 00:48:51:29

So, if I understand it correctly, your your your position is that, um, just for the sake of argument, uh, a requirement requiring that area of land to be managed in a particular way or in accordance with a particular, uh, arrangement, you say that doesn't give you sufficient certainty that, uh, uh, that that can actually be implemented because your scheme would effectively depend on that management regime, uh, being being implemented. I've understood that correctly.

00:48:52:20 - 00:49:26:21

Yeah. So so, Rebecca, for the applicant, that's sorry, the point that I was just making about the DCO enforcement, but not very clearly. The fact is that if Thames Water or any other party who owned that land didn't then manage it in accordance with the requirement, we would be legally responsible for that. And obviously, as you're aware, there are criminal sanctions in relation to breaches of inquiry requirements, and we cannot be in a position where we are not able to control the behaviour of a third party, where we would then be exposed to those sorts of enforcement proceedings.

00:49:28:06 - 00:49:30:16

So it all goes back to this question of control.

00:49:31:23 - 00:49:35:02

Thank you. I understand the understand the point there. Um.

00:49:35:25 - 00:49:36:10

So I think.

00:49:48:27 - 00:50:04:20

Yeah. In fact, I think for the purposes of what I want to ask this morning, I think that's, um, uh, help, help me. But, uh, I will now ask if anybody wants to make some some points. And I noticed that, uh, uh, Miss Ramsey has, uh, put the hand up.

00:50:05:24 - 00:50:32:00

Uh, thank you, sir. Yes. Harriet Ramsey, um, uh, on behalf of Thames Water. Um, so we're reserving our position and open to negotiations, um, currently with the applicant, but it has been suggested there's a need for an easement agreement. for these particular rights. And we're just like to understand a bit more as to, um, query actually whether it's why it's an easement agreement.

00:50:33:06 - 00:50:37:28

Can you just explain just to my benefit, just explain a bit more of the that proposal.

00:50:39:22 - 00:51:10:03

So when we're in, uh, voluntary, um, negotiations and we continue to be open to that on behalf of Thames Water and, um, the applicant, uh, the proposals over the land, um, which has just been explained by Ms.. Clayton, um, for the rights under the liberties has been proposed under an easement agreement, and we're just querying as to why it's that form of agreement that is being proposed.

00:51:11:07 - 00:51:16:03

But I think I will hand that straight over to the applicant to to answer, because I'm not sure I quite follow that.

00:51:16:14 - 00:51:47:26

Rebecca Clayton for the applicant, obviously these are discussions that are happening. Supposed to be without prejudice with Thames Water in terms of what's actually, you know, in terms of seeking to acquire the rights that we need and to impose the restrictions that we need on a voluntary basis, um, that relate those are matters of commercial negotiation between the parties on or without prejudice basis. And I'm sure that that point can be picked up between the lands team and Bruton Knowles separately.

00:51:47:28 - 00:51:51:19

I don't think it's a matter for this in this hearing now.

00:51:52:13 - 00:52:22:26

But thank you. I think I understand what the what the what the question is now, um, Mr. Ramsay does that does that effectively answer your question that that because that sounds like that's part of a discussion. That's not that's sort of, uh, in some respects out with the proposal to compulsory acquire, uh, Thames Waters, lands and interests in terms of actually what might happen, effectively in terms of your your agreements with the with the applicant?

00:52:24:02 - 00:52:27:24

Yes it does for now. Thank you. And it is a without prejudice basis.

00:52:28:17 - 00:52:36:16

Yeah. No I understand that any comments made here today are in that. But yes, you may want to reinforce that to parties that you're working. Thank you.

00:52:38:08 - 00:52:44:04

Can I just see if there's any other questions? Um, I think Mr. Pennington got there just before you miss the turn,

00:52:46:01 - 00:52:47:00

Mr. Pennington.

00:52:57:12 - 00:52:59:17

Unfortunately, I think you're on mute, Mr. Pennington.

00:53:08:09 - 00:53:12:06

Sorry, sir. Mr. Pennington, on behalf of my daughter, is that coming through okay?

00:53:14:14 - 00:53:21:15

Yeah, The video feeds a bit glitchy. Can you speak? Speak slowly to make sure we can hear you, please, Mr. Pennington.

00:53:23:16 - 00:53:26:14

I'll turn my camera off to make sure that that. Does that sound better?

00:53:27:23 - 00:53:29:16

Yeah, that's a bit clearer. Thank you.

00:53:31:02 - 00:53:42:08

Mr. Pennington, on behalf of Ten Water. It's just a question in relation to the, um, nature of the rights being applied for the lead up to work.

00:53:43:15 - 00:53:50:23

Sorry, could you just repeat that last thing I said? Nature of particular works. And I didn't catch which works. He mentioned. Sorry, the.

00:53:51:01 - 00:53:53:05

The gas flue looked.

00:53:55:05 - 00:54:03:12

Uh, I'm afraid I didn't catch that. Mr.. Mr. Pennington, could you perhaps say it again? I don't know whether there's perhaps an issue with the connection there.

00:54:04:13 - 00:54:09:24

Sir. I think you said gas. Rebecca Copeland for the applicant. I think he said gas flue duct. But I might be wrong.

00:54:09:26 - 00:54:11:19

Thank you. Sorry. Apologies. That took me.

00:54:12:29 - 00:54:15:00

Sorry, sir. Is this any better?

00:54:16:13 - 00:54:18:01

Yeah. If you want to carry on, Mr. Pennington.

00:54:19:12 - 00:54:51:01

Um, I'm not sure I'm going to be able to make my point, uh, as well as I. As I want to be able to, given the technology issues. Um, it was more a clarification as to whether the applicant is seeking to acquire all rights in those areas or only only, um, easement rights, if you like. And if, if it's the latter, what is the basis for not acquiring the freehold of those titles of those plots? Sorry.

00:54:53:04 - 00:55:28:01

So sorry. You said what what was the rationale for I mean, the the applicant's intentions are set out in the, in the applicant in the application as to what they want for, for which areas. So I think if I understand the area talking to, which is those parts of the current, uh, local nature Reserve, where the proposed gas flue ducting would. Would effectively wrap around the the site. Um, which. Um, unless somebody wants to correct me, my understanding is that that's intended to be, uh, compulsory required along with the the other parts of the local nature reserve.

00:55:28:15 - 00:55:30:25

Is that the area you're talking about, Mr. Pennington?

00:55:32:05 - 00:55:39:18

Yes. Uh, um, it's just by reference to the schedule of negotiations and power source document 4.4. Um,

00:55:41:13 - 00:55:56:13

some of the plots are specified as being subject to all rights of acquisition, and other plots are specified as being subject to new rights as opposed to all of the rights and land interests.

00:55:58:18 - 00:56:04:22

But again, I think given that's a detailed point, I'll I'll ask the applicant to to respond directly to that, please. Yes.

00:56:04:24 - 00:56:33:25

Rebecca Clifton for the applicant. So in the order, uh, we have, um, sought to acquire only rights in relation to the gas flue duct. And because we don't need the land underneath it in terms of water's relevant representation, they requested that we acquired the freehold of that. And my understanding is that we are willing to do that and that that has been communicated to Tams. So I think it's just a matter, again, that needs to be resolved by agreement between the parties.

00:56:36:20 - 00:56:39:00

Does that answer the query, Mr. Pennington?

00:56:40:16 - 00:56:42:04

Yes it does. Thank you, sir, and thank you, miss.

00:56:43:29 - 00:56:48:11

Thank you, Mr. Turner. I think your next with a point to make.

00:56:48:19 - 00:57:32:10

Um, Richard, attorney for Lancelot Munster. I just wanted to understand, um, on the basis of what's been said so far, whether consideration is being given to modifying existing agreements, um, which of course, is something that you can do under, uh, schedule five of the Planning Act 2008. The reason I raised that is because Miss Clayton said that it wouldn't be possible to change the obligations on Tams as they stand at the moment, but it under paragraph three of schedule five, it would be possible to do that, and the same would apply in respect to the existing rights that, um, Cori has over my client's land.

00:57:32:14 - 00:57:47:21

So it's really to explore the question as to why the applicant has gone for compulsory acquisition, when it could have modified the existing agreements in the case of Thames Water, the 106 agreement, and in the case of us the way leave.

00:57:49:06 - 00:58:02:07

But again, I think that given that's a detail and I realise you're asking about your client's land, but I think your question was also a wider one about other land that's proposed to be acquired as well.

00:58:02:09 - 00:58:12:25

It's about approach because it feels from what's just been said, that the applicant has gone straight to compulsory acquisition. Um, which suggests that there's a sort of methodological problem in their approach.

00:58:13:22 - 00:58:46:29

Rebecca Clayton for the applicant, sir, I can confirm that there is no methodological approach issue. Here we have considered options, alternatives, compulsory acquisition prior to doing that. Um, it's obviously right that existing agreements can be modified. But the situation here is we've got multiple agreements. We've got not only, um, the section 106 that Tams is subject to, we've now obviously aware that we've got the, uh, section 106 that was discussed in the specific hearing yesterday.

00:58:47:01 - 00:59:21:19

We are not just modifying what's done under those agreements, but we're also seeking to to ensure that our own additional mitigation over and above, uh, tweaking what was done under those agreements is secured. And in our view, the the the the most, the cleanest and most appropriate way is to take the clean slate approach that we discussed. Mr. Fox discussed with you yesterday and, uh, to deliver things through a single composite agreement, subject to the outline with based on the outline level odds.

00:59:21:21 - 00:59:54:14

It's also just worth noting that, um, if we are if we were to make the changes that we're proposing, any event, I've already indicated it would be akin to the compulsory acquisition, because the point is still that Thames Water wouldn't be able to do anything else with their land. We would still be imposing all the restrictions, all the additional obligations. So de facto, what you've got there is, is an acquisition of all the rights in the land, in any event.

00:59:54:16 - 01:00:15:15

So not sure that it really assists even if it were technically possible. But for you, for your notes, we have considered those. And because of the nature and scale of the changes that we're proposing and the need to try and create a single, clean approach, we don't consider that it would be suitable.

01:00:16:21 - 01:00:33:25

So just just to follow that, that up. In terms of Mr. Tierney's point, uh, about the the alternative of amending, uh, existing existing arrangements. Can you direct me to where that in your submission that that might be being considered just that I can see the, the the approach.

01:00:34:24 - 01:00:46:10

Sir Rebecca Clayton for the applicant. I'll have to go back and get a reference for you. It may be that it's not specifically set out in our statement of reasons, but I'm instructed that we have taken that approach.

01:00:57:05 - 01:01:34:26

And and also in terms of, um, Um, considering the the the test, can you say a bit more about, um, you I mean, I understand that the point you're making about the, the level of, uh, of interests, uh, that you say are required and I think you use the phrase that it would be a de facto, uh, compulsory acquisition. Um, in, in writing my report to the secretary of state. How how do I approach that in terms of the tests? Because it is is de facto, uh, a de facto approach, you know, just just because it's going to be close to that.

01:01:35:03 - 01:01:38:16

Um, uh, is that the same as the tests that I need to follow?

01:01:40:03 - 01:02:11:18

Well, so, uh, our case, Rebecca Clayton for the applicant, our case doesn't rely entirely on that. I've explained already to you that we consider this is necessary in order to be able to deliver a single, comprehensive approach to land management, rather than having a bit parts of amended did agreements, you know, in circumstances where you've seen, obviously, the difficulties that we've got with the existing agreements on the land, it's been made quite plain through the situation that we've got with the, the, the section 106 on the Norman Road field.

01:02:12:12 - 01:02:47:18

But the council themselves don't even seem to have a copy. Um, we've got one party who's got a copy. It's not publicly available. It's the risk of other such 106 is turning up is exists. And so for those reasons, in order to ensure that we don't have, um, you know, odd bits and pieces popping up over

time, we need to ensure that we've acquired all the land we're delivering, uh, our, uh, mitigation approach through a single enforceable means.

01:02:48:05 - 01:03:08:20

So it's it's not just that it's defective. That is a that is a practical additional aspect, but the fact is that you can be satisfied that compulsory acquisition is necessary, because we need to ensure that we wipe the slate clean and able to deliver not only what's gone before, but also what we're proposing to now and well into the future.

01:03:10:11 - 01:03:14:07

Okay. Thank you, Mr. Tierney. You want to follow a follow up point.

01:03:14:26 - 01:03:50:06

To follow up Rich Tierney for Lanson and Munster? I think this is a point where you'll need to hear a stronger justification from the applicant. Um, I mean, in the instance in the case there's been described, it seems pretty straightforward. You would simply impose a covenant on Thames Water to comply with the lab odds, and you would abrogate the section 106 agreements that subsist in the land so far as is necessary to ensure compliance with the label. So it would be very straightforward, and indeed it would deal with the question of whether you had the 106 or not.

01:03:51:01 - 01:04:27:15

Um, I think my concern is that there's this idea being introduced of this being in in Miss Cousins words, the cleanest approach, um, to be taken to the acquisition of land. And I completely agree that an applicant may well think it's easier to have freehold acquisition, but that's not the test. So the test, one of the questions that you have to consider, sir, confirmed by the Court of Appeal, is whether rights would be sufficient to, uh, accommodate the needs of the project as opposed to freehold acquisition.

01:04:27:17 - 01:05:00:12

Not that it would be cleaner to have a freehold acquisition. And, um, again, taking the instant case, it seems as though if the parties are content that an easement could achieve what needs to be achieved on the Thames Water land, then it's quite clear that there isn't a case for compulsory purchase. An easement is not a compulsory purchase. It doesn't give an exclusive right to the land. Indeed, by definition, it doesn't. It doesn't allow quarry to exclude Thames Water.

01:05:00:21 - 01:05:25:12

And the reason I picked this up now, from my client's perspective, is that similar considerations apply to the land still and wants to join reside. And and as I say, there's a problem of approach. If the applicant is saying that they've gone for what they think is cleaner or a de facto compulsory acquisition, when in fact it would be possible to achieve the same thing by modifying existing agreements.

01:05:26:19 - 01:05:32:14

Okay. Thank you. Thank you for that. That point, Mr. Tierney. Again, I will give the applicant an opportunity to make any comment on that.

01:05:32:19 - 01:06:04:20

Yes, Rebecca, for the applicant, sir, I'm afraid I think that that misrepresents the position that we've set out and therefore points I want to make. First of all, we are not doing this because we think it is easier. We are doing this because we think it is necessary to ensure that we capture adequately all of the that we're able to deliver and enforce all the mitigation and, uh, enhancement that we propose over time going forward. The second point is that we don't know the content.

01:06:04:22 - 01:06:37:20

It's what's become apparent is that we don't know the content of all the agreements that we might need to modify or abrogate. And I say that I refer back to the Norman Road example, where actually, at the moment, we wouldn't even know what agreement it was that we were seeking to modify, and indeed, whether there may be other agreements that emerge over time. So it's necessary to ensure that clean slate, to ensure that we have a position where we've got a single deliverable scheme going forward. The third point is that a I think Mr.

01:06:37:22 - 01:07:15:09

Tony referred in terms to imposing a covenant upon Thames Water. We cannot impose a positive covenant upon Thames Water using compulsory powers. And fourthly, we do consider and we'll expand upon this in our, um, post hearing, uh, submissions. But we do consider that there's a principle that where you are through, right, changing the nature of what the party can do with their land to such a degree, um, that it effectively deprives them of the ordinary incidents of, uh, that land, then it is appropriate to compulsorily acquire in those circumstances.

01:07:15:11 - 01:07:23:01

But we'll, we'll look to expand upon that in our written submissions. So, so we reject all those suggestions.

01:07:24:01 - 01:07:27:28

Okay. Thank you. Thank you, Mr. Murphy. You had a point to make.

01:07:29:24 - 01:07:38:29

Um, Melissa, Matthew to the Western Riverside Waste Authority, a couple of different queries. If that discussion has come to an end.

01:07:40:23 - 01:07:41:08

Please go up.

01:07:41:17 - 01:08:17:06

Um, and, uh, in fact, there are two, two queries arising both quite straightforward. Um. One the first relates to the, um, to pink land. I hope that shorthand is acceptable. So. Compulsory acquisition. And it relates to parcels 105 and 196. Um, the query is this, uh, why is why is that land so extensive? Um, I mean, even bearing in mind the stage reached.

01:08:17:09 - 01:08:23:19

Well, I mean, it sounds like we're creeping into levels of compensation here, and, uh, that's not not a no no.

01:08:23:25 - 01:08:27:24

The land take itself. Why's why is the land area drawn in a way that's fair?

01:08:27:26 - 01:08:29:02

I thought you said expensive.

01:08:29:04 - 01:08:30:00

No, no no no.

01:08:30:02 - 01:08:30:28

Expensive. Um.

01:08:31:00 - 01:08:41:21

So expensive. Something quite different. And I completely agree. And I agree and accept compensation. Not here. Yeah. No, no, it's. Why is the land take so expensive?

01:08:41:23 - 01:08:43:22

Sorry. I'm asserting it's okay.

01:08:43:24 - 01:08:45:19

Um, so that was the first question.

01:08:45:21 - 01:08:47:22

So just just roughly where am I?

01:08:47:27 - 01:08:54:05

So if you are on um, if you're on plan one sheet one, I think let me double check. Um.

01:08:56:25 - 01:09:14:13

Yeah. Sheet one of two in the land plans. Um, and then if you look where the, um, Riverside one power station is, if you look at putting it crudely. Top right. Uh, you should have a couple of parcels of land there. 105 and 196.

01:09:16:09 - 01:09:21:15

Yes. So, so that's in the broad area where the the pipeline and trestle I think would go.

01:09:21:17 - 01:10:00:17

That's correct. That's it. So just wanting to understand what's the justification for compulsory acquisition there. Um, and why is the area of land so extensive. So that's, that's first query. And then if we want to move on to the second just so that it can all get wrapped up. I just want to hear from the hear from the applicant about that. And then secondly, as far as the blue land is concerned, Specifically parcel 186. We have looked at the document 44 and what said there. And we are concerned about the scope and extent of what sort insofar as we can, I suppose we can understand rights being sought.

01:10:00:19 - 01:10:24:05

But what we're not quite clear about is the sort of concomitant, um, uh, proposal to extinguish easement servitude and other private rights over that power station land parcel 186. So again, just wanting if there's material that can be drawn to our attention, fine. If it's just that there's some justification which can be given to us. Again, we just want to consider that. Please look through you, sir.

01:10:24:09 - 01:10:56:09

But thank you. I think, uh, if we start with the first one, um, I think some of the, the applicants provided a sort of partial explanation in response to my question about the footpath. So I will hand that over to the, to the applicant, um, when they're in a position to do so. So I think the first question was, uh, why correct me if I got these, these parcels wrong? But is 1105 and 1096? Uh, what? Why why they're so what? They're so expensive and large.

01:10:56:11 - 01:10:57:12

Why is that necessary?

01:10:57:14 - 01:11:32:28

Rebecca Clayton for the applicant. So I'll just indicate now that the second question, I think we'll just have to come back to you. Uh, and, um, the Western Riverside, uh, Waste Authority in writing on that one, because they're just we just need to, um, double check that parcel, and I can't do that immediately. And I know there's some interaction with protected provisions there as well. So I think it to ensure that everybody gets a satisfactory answer. We'll come back to you in writing on that one. In relation to the first question, though, and why the area of land is so extensive, I can deal with that.

01:11:33:00 - 01:12:10:10

And it goes back, um, frankly, to the point that I made earlier when we were talking about the Thames Path acquisition, as I explained. Um, that Pink Land is, uh, reflective of the limits of deviation of, uh, the, uh, jetty construction area and, um, the, the corner of the riverside, uh, one building that's there is, um, the area where effectively the jetty is going to come into or the connection between the jetty and that building.

01:12:10:12 - 01:12:45:19

And at this stage of design development, we don't know precisely, uh, where that is going to come in or and we don't have the detailed design, uh, for that, I explained that the design of the jetty itself and matters such as its width, its height, the number of stanchions, the width of those stanchions, how many stanchions you need are all dependent upon factors that are yet unknown, including matters like whether the existing Belvedere Power Station jetty requires to be retained or demolished.

01:12:45:21 - 01:13:19:13

And so, um, that is, I understand obviously I'm not the technical expert, but that is quite a tricky piece of design, and we need to retain flexibility to ensure that the the jetty design that is actually needed once those other factors are known can be delivered and that is the area within which it may be delivered. But there's a there's a point to follow up on that, that I think you need to be clear about, sir, which is the layering of rights in this area. So as you'll be aware, what the land plans show in any given area is the most extensive rights being taken.

01:13:19:15 - 01:13:50:19

So, um, in relation to the yellow area, that's only ever temporary possession land in relation to blue, the most extensive land take that be required is rights in relation to pink. The most extensive land takes for acquisition. Now um, what you also have though is a layering of those powers. So in this area, um, the, uh, acquiring all of the will be the acquiring authority. The applicant has an ability to take temporary possession over that part of the land anyway.

01:13:50:21 - 01:14:25:12

And so what happens in practice in these things is that the applicant will take that land on a temporary basis initially, and that it will only subsequently vest the area of land that is actually required for the delivery of the final jetty design once that is known. So, um, we have to build in flexibility as to what we might need in the, in the, uh, in the order. But then the final land acquisition is likely to be a smaller area than that, because we'll have gone in temporarily, first of all.

01:14:25:14 - 01:14:33:09

But at this stage, we just don't know that because the design is not worked up in sufficient detail and there are too many other moving parts to be able to do that.

01:14:34:05 - 01:14:48:19

Um, this might be, uh, misunderstanding on my part, but the thing is that the jetty is to export carbon dioxide, and there'll be a pipeline coming from the carbon capture plant. Why does it have to link up to the power station? What?

01:14:51:01 - 01:14:51:16

Yeah.

01:14:52:01 - 01:15:27:17

Um, as far as not the applicant. So the interaction with Riverside one is actually a, um, the Riverside one facility is is a complex is a potentially complex matter. So for example, um, it may be um, and obviously this is not a triad approach, but it may be that we actually have to connect directly into, uh, the Riverside one facility. Um, and that's because working through the, um, design development and in relation to matters such as safety and third party stakeholders, it may be that we need to facilitate vehicle access along the um, jetty.

01:15:28:09 - 01:15:59:06

Um, and the only way to do that, given that the, the level that it's at. Would be to go, um, essentially connect into the road network that's internal within the facility. So that's just one example of how that connection might be done. And as a result of that, we may also need, for example, a set of stairs to get from the ground up to, um, the, uh, jetty. Um, so it's, it's about actually the practical operation of the jetty, um, which may or may not require that interaction with Riverside one.

01:16:00:21 - 01:16:42:26

So I is that sounds a bit at odds to what was being said yesterday about, uh, the, the approach to keep most of the carbon capture work sort of outside of the site because there wasn't, uh, specifically sufficient space within, uh, within the site. And I suppose the follow up question is, where can you

direct me to the the application documents where that is explained about the, the, the I guess the things beyond my simplistic point about it being the, the pipeline, uh, for the for the carbon dioxide and actually the sort of the ancillary or additional works that might require access coming from within the the Riverside campus.

01:16:44:21 - 01:17:15:20

For the applicant. And first of all, just dealing with your point about it being inconsistent with what was said yesterday, I don't think that is inconsistent. We were dealing with quite a different matter at that point, which was the flue ducting and the idea that the site is sufficiently congested that we cannot accommodate the flue ducts within the site, that is a that's a separate point, and I don't think it's right to conflate the two. Secondly, in relation to where this is dealt with there, there is some illustrative information and detail in the design approach document.

01:17:15:22 - 01:17:27:24

I don't have that reference to Ham right now, but we'll try and get you that in the, uh, break and make sure that, um, you can see where we've set out some of some of that material and the fact that this is illustrative only at this stage.

01:17:30:18 - 01:17:53:09

And if I just add to that, I'm just talking about the app. So just to be clear, um, just in a different way, what we're talking about. So the flue gas does work through gas, not the gas. So the CO2 pipeline is going around the edge of Riverside one, um, and east of Riverside one. What I was talking about was the actual jetty itself, which is quite different from kind of the.

01:17:53:18 - 01:18:03:15

Yeah, I've got the distinction between the flue gas, which is effectively things coming out of the power station and the jetty, which is things coming out of the carbon capture plant.

01:18:03:29 - 01:18:08:10

Thank you sir. I would just add that it's also the case for the CO2, not just the gas.

01:18:08:28 - 01:18:51:04

I mean, turning to to the second point, I mean, the the applicant said that they're not position to convert that, but, um, it perhaps would be helpful. I mean, I've read the, uh, The Authority's relevant reference representation. Um, and I guess from my understanding that there's obviously an existing relationship between the authority and the the activities that are taking place at Riverside one and two. And I suppose I, I'm sort of a bit surprised that given, you know, that there was quite a, quite a generous sort of re-examination period, that the two parties aren't closer together on, on issues, particularly given that given that background.

01:18:51:06 - 01:19:21:10

So can you just this is a question for both of you. And this is anticipating a question. I'm going to come to you later about just progress of negotiations and and deadlines later. Um, it is. Can you just enlighten me a bit more about this motion? Because, um, having read the relevant representation from the, from the authority and I'm conscious it was concluded to say that you're obviously wanting to, to

protect your, your position, but, uh, yeah. Can you just enlighten me a bit more about that particular discussion, Mr.

01:19:21:12 - 01:19:21:27

Fox?

01:19:21:29 - 01:19:53:03

And half of the applicant so adds that, um. I had to schedule. And, um, land rights trackers have demonstrated. We have been thinking to engage on this, um, for well over a year. We've had three site visits with, um, various members of the West Authority and their legal teams to both explain the project, to explain the the potential interactions and to explain the workings of DCA, um, including the land powers, but also, um, to point to the protected provisions. Um, and I'll just touch on those.

01:19:53:05 - 01:20:34:04

So the protective provisions and particularly talking about our in relation to triple RL, um, where as I mentioned earlier, all the use of our powers, including over the blue plots, are subject to, um, consent, as is the detailed design of our interaction, um, with the plant. And I won't get into the detail of that, but our view is that that gives the authority the protection, because triple RL who operate Riverside one um uh, we want to ensure that this project doesn't affect on their ongoing ability to operate, uh, that plant, which is ultimately what the waste authorities are concerned to ensure happens.

01:20:36:12 - 01:20:43:26

Uh, I mean, this is roughly the same. The same token, I guess the the answer to that.

01:20:46:00 - 01:21:10:20

Melissa Murphy for the Western Riverside Waste Authority. Um, I'll just take a couple of minutes, if I may, to by way of background, just to explain the relationship between the Western Riverside Waste Authority and Corey, because that, I think, puts into context the answer to a direct answer to the question that you've given, which is really asked, which is why are we not closer together? Um, and whether that matters which we say it does. Um.

01:21:11:09 - 01:21:46:11

I'm not suggesting doesn't doesn't matter. And again, I think you're relevant representations explains, uh, quite, quite a complicated uh, relationship and why, um, the acquisition of land you say has an implication. We did pick this up with the with the colleague. Uh, to some extent, yeah. Um, yesterday. And I think one of the actions that I left was it would be helpful for me to have some sort of greater understanding so I could understand the difference between things that are sort of, uh, purely contractual for want of a better, uh, a better phrase than those things which actually go to the go to the heart of what's being proposed in the DCO.

01:21:46:13 - 01:21:50:04

But yeah, please, please continue. And that that.

01:21:50:06 - 01:22:28:29

That message has been understood. And I thought part of what I might do is just offer an initial at an initial stage, some insight into that. Um, the Western Riverside Waste Authority has been in contract

in one form or another with Corey since about 1986. Um, Western Riverside Waste Authority and Corey are parties to quite an intricate, uh, quasi uh, public sector, private sector PFI, uh contractual arrangement in relation to the Riverside one, which is the as you've seen, the facility.

01:22:29:29 - 01:23:10:18

Um, and under that, uh, arrangement, in certain circumstances, uh, the Waste Authority is a result of the provisions of that contract. Um, is the founder of last resort and a termination scenario. So just to give an just to give an important example of that in a force majeure termination scenario, the Western Riverside Waste Authority would repay what remaining bank debt there was and then would take Riverside One as an asset, as I understand it, although, as you'll appreciate, on speaking on their behalf rather than because I've had some involvement in the contract and we are at a relatively early stage in understanding all the implications.

01:23:10:20 - 01:23:42:19

But but what that means is that the Western Riverside Waste Authority has a direct interest in the physical implications of the project as it relates to Riverside one. Um, and, and we say that our interests in Riverside one are dissimilar to quarry to, to quarries because they have obviously a range of objectives where we really in an uh, at the most basic level, have only one, which is to fulfill our statutory purposes being a statutory body.

01:23:42:25 - 01:24:14:29

And this is the link that I think you were interested in. Um, in, in, at a basic level, since we are trying to fulfill a statutory purpose as a statutory body, uh, it's not that which undermines our ability to perform that is is a matter of public interest. Um, and so we would say that that's that the undermining of any undermining of, of the interests in has therefore an important implication for the public interest. And that's quite apart from the section one, two, seven, uh protection.

01:24:15:03 - 01:24:57:11

Um, and so that's really why we're that's really why we are coming to your examination seeking time at the CA h2 stage, because we want to articulate concerns about what we perceive to be a failure to actually attempt to acquire by, uh, negotiation. And we I said take it seriously. Of course it takes seriously, but but we are a bit concerned about that because in the context of, you know, quite elaborate long standing contractual arrangements and relationship, we're at a bit of a loss to understand why it was only really clear to us in about May of this year what, um, compulsory acquisition was going to, in practical terms, to be sought.

01:24:57:13 - 01:25:15:18

So we are concerned that although there's been engagement, there's not really been meaningful negotiation. We see a difference between those two things. Um, moreover, and we've got a range of sort of technical concerns which we're seeking to, Uh, ensure that we can bring to your attention.

01:25:17:21 - 01:25:18:06

Uh.

01:25:18:13 - 01:25:56:19

About the the the impact on Riverside one, the routing of the pipe and whether whether the map that whether how that's done. Um, and in particular, we will want to draw to your attention, um, our concerns about the impact on these quite carefully negotiated contractual provisions. And we will be wanting to comment on, um, the sufficiency and that of the protective provisions because, um, I think our concern is that it's an it may, may be an oversimplification to think that what's good for triple RL is good for the Western Riverside West Authority.

01:25:59:09 - 01:26:10:06

Again, I understand the the distinction that you've made there. Again, I'm conscious of, uh, of what we have considered before, but I will give you an opportunity to, to make any comments on that.

01:26:11:12 - 01:26:43:08

So Rebecca Clayton for the applicant, really the the main point that I just want to flag in relation to what Miss Murphy said is, is, is in relation to the duty that's on the Western Riverside waste authorities and that's their, their duty to deal with waste. But as you're aware, that authority is made up of four local authorities, each of whom have or some of whom have declared climate emergencies, each of whom will have policies relating to the decarbonisation, uh, to addressing climate change.

01:26:43:10 - 01:26:59:06

And obviously, we've also subject to the London Plan obligations in relation to addressing climate change. And as you are also aware, this project or Riverside one and two deal with around will deal with around 50% of all of London's considered a waste.

01:26:59:08 - 01:27:36:15

I think you yeah what I understand the you know the the reasons that I think question is more specific. One about obviously the authority uh are saying they, they, they have some sort of concerns, I think, in terms of the impact on, uh, them effectively being a sort of an acquiring body of last, last resort. Um, and it was really again, Mr. Fox mentioned there's been a number of, uh, a number of meetings. It's just understanding, um, in some respects is, is this is this is this a fundamental thing? Um, is there a prospect of, um, of coming to agreement between the parties? Honestly?

01:27:36:17 - 01:28:07:06

I mean, so that the reason why I mentioned the point that I was trying to get across to you is that this scheme, the principle of this scheme is, you know, is is we're aligned on it. It's, you know, decarbonisation of waste is fundamental to what the DWA are doing and to what we're doing. So there is there is no reason why we shouldn't be able to be, uh, you know, our objectives support one another's objectives, and there's no reason why we shouldn't be able to come to terms.

01:28:07:08 - 01:28:36:02

And we are. There have been no shortage of negotiations, in our view, with the parties. Mr. Fox explained. What's happened in terms of the site visits, it's just a matter of of those negotiations continuing. We don't foresee any any problem, certainly from our end in in achieving that. Obviously we're early in the examination. So this is not an unusual position between parties. And we'll continue to to to work with the WA to achieve a negotiated outcome here.

01:28:36:21 - 01:29:03:01

Yeah. Just unconscious. We're early in the examination. And that's why it was helpful for me to have this, this meeting at the start. But but also as I mentioned before, there's been, you know, quite, quite a generous pre examination period. So I just want to make sure that all efforts are being made between various parties in order to, where possible, uh, reach a position on, uh, on these, um, because, you know, the six months of the examination will travel quite quickly now that the examination started.

01:29:03:03 - 01:29:37:02

There's certainly, um, no lack of haste or will on the part of the applicant. You yourself will have seen the land rights tracker. The schedule of negotiations will continue to keep you apprised of progress through those documents and indeed through any further cases. But I just wanted you to be clear about the fact that, um, you know, our our scheme is delivering what they need, and we, you know, we think our principles are aligned and we we see no reason why we can't reach agreement on, on the detail we want, you know, we want to coexist happily.

01:29:37:04 - 01:29:38:07

There's no reason why we shouldn't.

01:29:39:02 - 01:29:42:16

Okay. Thank you. I'll just ask whether Mr. Murphy wants to follow that up at all.

01:29:45:13 - 01:30:07:19

I've articulated a series of concerns at the moment. They're not assuaged. We will doubtless continue to to to talk. Um, but the it is absolutely, I think, essential that we're going to draw to your attention through the process, the impact and the implications of the Project Noise Authority and its ability to perform in the way it's responsible to.

01:30:09:03 - 01:30:26:15

Okay. Thank you. Well, I've heard what what both parties said. And again, as I think is, you know, a general thing is that the encouragement to, you know, continue what what negotiations there aren't going. And of course, as you pointed out, it's very helpful to get an update on those as the examination proceeds. So thank you.

01:30:28:00 - 01:30:28:15

Um.

01:30:30:11 - 01:30:30:26

Just.

01:30:34:14 - 01:31:17:21

So I don't think there's any more points out. Um, the next item on the agenda was item 2.2. Um, and I just just want to give a caveat here. I'm not in any way wanting to sort of, uh, sort of reveal any sort of personal, uh, or sensitive information. Um, uh, I did want to just sort of pick up on sort of, uh, equality considerations and potentially human rights issues, um, And particularly there have been some representations both made in writing and uh, and at other, uh, other oral sessions about, uh, those who currently hold, uh, uh, grazing licenses on the land, um, and particularly that they, uh, they come from particular communities.

01:31:17:23 - 01:31:53:27

Now, I guess my question is that, uh, that there's that sounds like there's been a, uh, uh, and this is my interpretation. So there's been a history behind the granting of licences. It sounds like it hasn't been done on a purely commercial basis. It has actually sort of taken into consideration sort of local connections, uh, to, to to the area. So, so, so I guess my question there is, you know, what what is the applicant doing to make sure that, um, you know, that there aren't adverse effects on, uh, any equalities, uh, considerations or human rights issues.

01:31:55:05 - 01:32:29:01

Uh, so Rebecca Clayton for the applicant, as you say, we've, We've been made aware of suggestions that some of those parties have protected characteristics. And obviously that's a matter that the applicant takes very seriously. I can confirm that the applicant is in a liaison with both of those parties and has been having direct contact with them, and we are seeking to ensure that both parties have sufficient information about the projects and the implications upon them.

01:32:29:03 - 01:33:09:11

That information is being given in as accessible form as possible. They have a direct point. Both those parties have a direct point of contact within the applicant's team, and we are looking to work closely with them to ensure that any effects on them in terms of their grazing are minimised or avoided. And, um, uh, we're doing that, uh, in the temporary possession period, you'll be aware that the outline cock P, uh, A0 38 confirms our commitment to work with them during construction to manage the temporary impacts.

01:33:09:13 - 01:34:04:18

And then in relation to the permanent position, um, one of those parties will have ultimately no loss of the level of grazing space that they enjoy now, and the space will be in a better position. And we're working with that particular party to address their concerns that they've had about the quality of their grazing land. Um, so we're hoping that actually ultimately they will be in a better position as a consequence of this scheme. And in relation to the other graziers, uh, they will, um, lose some space on a permanent basis, but they will still have enough, uh, they will still have enough space to keep their stallions separate from, um, the rest of their horses, which is what we understand a concern has been and again, we understand that their existing, uh, grazing licence, the way that they graze the land, has presented them with some issues.

01:34:04:20 - 01:34:41:07

For example, they don't have running water or electricity. And so we're looking, as we are, with the other grazier to address those issues in their permanent re provision, so that they will actually, uh, even if not in quantitative terms, in the land being a in an improved position in terms of the quality of what they've got. Um, so, so we are just working with them to ensure that there are no impacts. But those impacts, uh, we're satisfied. Um, we will prevent present the Secretary of State with sufficient information to ensure that he's able to discharge his public sector quality duty.

01:34:41:09 - 01:34:55:04

But we're satisfied that as a consequence of the steps that we're taking. Uh, neither of those parties will suffer any differential or disproportionate impacts, uh, as a consequence of their having protected characteristics.

01:34:55:18 - 01:35:27:07

And just obviously, um, any anyone with a with a license would have been used to dealing with a particular landlord for quite a few years. I mean, how how are you proposing? I take what you say in terms of sort of facilities, uh, and things. How what is your approach to effectively, you know, that there are circumstances where you would become, uh, the, the new landlord to make sure that, uh, that they're not necessarily disadvantaged, particularly, again, if you're providing additional facilities, you know, could there be some cost implications, uh, that might become a barrier.

01:35:27:20 - 01:35:28:05

Um.

01:35:29:25 - 01:36:05:00

Rebecca Clayton for the applicant. We're not anticipating that they're these aren't matters that they have indicated that they would like. Uh, and so we are seeking to work with them to provide those. You're right that the applicant is likely to become the landlord. They have minor interests, minor tenancies. As I understand it, the applicant is likely to become their landlord. And, um, it may be that, um, some change to those tendencies is required. For example, I mentioned that one of the graziers will have a reduced land take, but ultimately we're going to be looking to keep them in the same.

01:36:05:02 - 01:36:12:10

They'll be able to continue grazing their land, and we're going to look to keep them in the same or a better position than they are now.

01:36:13:06 - 01:36:33:26

And in terms of those, is is, uh, how are those arrangements, uh, or are they intended to be or can they be, uh, sort of captured in any of the requirements of the, the DCO? Um, what behind behind the applicants intents, intentions there. What, what what's going to secure that approach?

01:36:34:02 - 01:36:54:27

Rebecca Clayton for the applicant. That's a matter that we're working through at the moment, including through consultation with them. Our current um, thinking is that we will be updating the outline to address the craziest requirements. Uh, but that is TBC. We'll keep you updated during the course of the examination.

01:36:54:29 - 01:36:56:06

Yeah, I.

01:36:56:08 - 01:37:23:21

Think that is something I've been particularly keen to understand is that, you know, um, and again, you know, picking up the points I think you made in your, in your relationship to, to make sure there's certainty with other land interests is to make sure that, um, that that those the your proposed approach,

uh, is actually sort of effectively captured somewhere so that, you know that that can be monitored, uh, and, and, and reviewed as necessary.

01:37:25:03 - 01:37:54:27

Uh, Rebecca Clayton for the applicant, sir, I can confirm that that is our intention to ensure that those that whatever emerges from these discussions in the fullness of time will be fully captured and secured. Um, I'm reminded, importantly, that there is provision information regarding the approach to the grades is already in the outline methods. And I've mentioned for the temporary period what's in the outline? KOSPI as well. Um, our position is simply that we're likely to expand upon what's already in there.

01:37:55:08 - 01:37:56:11

Yeah, I.

01:37:56:13 - 01:38:02:00

Think I think the point was less about the approach, more about what's going to guarantee them that pressure.

01:38:02:02 - 01:38:06:14

Well, the the outline of us is secure through requirement. So. Okay.

01:38:08:08 - 01:38:45:21

Thank you. I we've already touched on uh, on 0.2, 2.3, I made a sort of general comment there. Um, that's about the a brief update on progress and negotiations and deadlines for conclusions. Now, um, obviously we've already heard from a, uh, from from people acting on behalf of land supplements adjoining the, uh, the Western Riverside, uh, authority and, and also sort of Thames Water. So can you give a just a brief update as way where we are because obviously there's, there's there's some parties where, uh, it looks like you're quite a way off in terms of any, uh, Positions.

01:38:45:27 - 01:38:59:24

Rebecca and the applicant? Yes. I'm going to hand over to Mr. Cooper for this. I do just want to draw attention factor. So it's 20 to 12, and I'm conscious that you you may want to think about a short break at some point whether whether we have this update and then do it.

01:38:59:28 - 01:39:03:17

I was assuming a brief update and my my intention was to have a break afterwards.

01:39:03:24 - 01:39:07:03

Certainly we're very happy with that. In which case I'm going to hand over to Mr. Cooper.

01:39:08:23 - 01:39:09:15

Good morning.

01:39:09:17 - 01:39:10:14

Stuart Cooper.

01:39:10:16 - 01:39:11:05

For.

01:39:11:07 - 01:39:13:17

Applicant. Can I just clarify?

01:39:13:19 - 01:39:19:09

Do you want me to cover W.R. or Thames Water, or are you happy what you've heard from.

01:39:19:22 - 01:40:01:09

Um, I think I'm not necessarily after a sort of a rundown of every single point, but it's just this position at the start of the examination. Just understanding where we are. As I say, in some respects, some parties have already heard evidence as to certainly their positions. Um, so I think a sort of an overview of those, but particularly perhaps those parties where, you know, progress hasn't been as the as it has the idea. Um, uh, there haven't been progress on the negotiations and, you know, where there hasn't been progress and what effectively is, uh, you know, is the issue behind that lack of progress.

01:40:02:15 - 01:40:31:19

Okay, fine. Um, if I deal with Thames Water first, the applicant has provided, um, heads of terms to, um, acquire the land and rights needed. You heard from Harriet Ramsay earlier confirming that there are discussions in place, and, um, the parties have met to discuss the terms. And certainly on his part. We intend to continue those discussions and reach agreement on voluntary acquisition as soon as possible,

01:40:33:12 - 01:40:35:02

if I then turn to.

01:40:35:18 - 01:40:42:04

And. So. Sorry, uh, have you got what's your sort of internal target deadline for concluding Including those.

01:40:42:17 - 01:40:59:05

Well, I'll target that. Mine is is dependent upon, um, temps water essentially. But we seek to respond to everything that we have. Um, within a week. And, um, at the moment, we've given temps undertakings in order to be able to engage with us.

01:41:00:05 - 01:41:12:25

So yeah. So I mean, again, it's just my point that obviously, you know, the examination is just starting. You'd be helpful. Have you got a have you got a target where you want to conclude these these negotiations.

01:41:13:28 - 01:41:17:26

Well we'd like to complete those discussions as, as soon as possible.

01:41:19:12 - 01:41:20:21

Okay. Karen, please.

01:41:21:00 - 01:41:33:07

Thank you. Um, if I then perhaps touch on, uh, Creekside and Mr. Gannon, who both owned plots along the western side of Norman Road.

01:41:34:01 - 01:41:38:03

And just unclear. That's either side of the Munster Joinery. Lancer. Yes.

01:41:38:05 - 01:42:00:02

Correct. Creekside to the north and Mr. Gannon to the south. Um, we've been in discussions with both parties for one year, seven months, and they've been provided with heads of terms to acquire, um, land required for the scheme. And at the moment we're awaiting a response, but we are in regular, uh, discussions.

01:42:03:24 - 01:42:32:02

In the case of land swap and Munster joinery, I don't wish to go over anything. Um, that has already been covered, but the applicant has provided heads of terms for an offer to, um, acquire the land. And, um, Lancer has confirmed that it has no interest in the heads of terms provided and does not intend to sell voluntary. But we remain open to have that discussion, should they wish you,

01:42:33:22 - 01:43:15:19

if I move south to, um, tooth and land limited um children and limited is part of um these a subsidiary that people to trust. Heads of terms have been um provided for the, uh, acquisition of the Northern road field. Um, the parties agree that they will seek to establish an appropriate approach for this. And we wish to, um, conclude agreement on a voluntary agreement as soon as possible. And we've provided um, token land with undertakings in order to engage with us that both here and for me golf course discussed yesterday.

01:43:16:18 - 01:43:56:12

Um, we've also engaged in particular with um Aviva. So Aviva own the former power station jetty. So we've engaged with them to secure the land and rights needed. And at the moment you will see in the document submitted. That is a draft statement of common ground that has gone in with agreement of, um, Aviva, and we hope to reach a voluntary agreement as to how matters will work as soon as we're able to, um, bits largely at Aviva's option rather than our own.

01:43:57:20 - 01:44:31:12

Um, in case the Western Riverside Waste Authority Mr. Fox has referred to. We've had three site meetings since August, the authority and its representatives. That includes walking over the site, producing plans afterwards, showing how it would exactly work and what the, um, options and considerations are. So those those aren't sort of like, you know, short meetings. They are half days. They are full days. Um, so we hope to be able to continue those discussions and reach a conclusion.

01:44:33:09 - 01:45:04:07

Um, we've had discussions to the west with Little Iron Mountain, Asda and, uh, their respective landlords. They don't appear to be any major concerns at this case. Um, in the case of Iron Mountain,

who occupy the site made at the south of the jetty, we've had a recent site meeting in October, which is our third and, um, we hope to be able to reach an agreement with them as soon as possible.

01:45:07:05 - 01:45:39:10

Okay. Thank you. Um, uh, I will just, uh, I'll briefly say if there's anybody who wants to comment on that, but that's a helpful update. I given that the stage we are to the examination, I mean, I don't think I've got any specific questions about those. Um, and I'll just refer you to my previous comment about, uh, obviously providing, uh, sort of updates, uh, on, on, on the positions and, and then as Mrs.. miss, uh, Mr. Clayton suggested, I think it is a good time for a for a break, but just to check to see if there are any sort of brief comments that anybody wants to make at this stage.

01:45:40:26 - 01:45:52:19

Sir Richard, attorney for, uh, landfill and Munster. I just wanted to say that, um, I do want to comment a bit further on item two after the break. Uh, but it wasn't specifically in response to the negotiations point.

01:45:53:06 - 01:45:54:12

What was the point?

01:45:55:04 - 01:46:04:01

Well, I had assumed from your timetable, that's where you wanted to hear from us on the specific issues about the need for our site.

01:46:04:16 - 01:46:30:00

Uh, well, I mean, in terms of specific issues about need, I think as I explained to the front at the start of this meeting, that this meeting isn't a detailed meeting about that. So I'm just trying to understand what, um, you know, what what the point was. And I think there has been an opportunity to, you know, explaining quite a lot of detail, some of your concerns about that at the issue specific hearing. So can you just tell you a bit more what is the point you wanted to make, Mr. Turner?

01:46:30:02 - 01:47:03:28

Yes, sir. Of course. First of all, I think, um, the suggestion that I made in the, um, in the participation form was that we should try to agree the, um, the test that you're applying when you're considering alternative designs. Um, the second point was in respect of the consideration of rights over the Munster and Lancer land for the purposes of delivering option three, which was the split layout and the extent to which the applicant to consider that.

01:47:04:07 - 01:47:15:24

And the third point was in respect of the um, uh, the alternative sites and in particular the east location.

01:47:15:26 - 01:47:18:02

Yeah. Well, I think what we have explained.

01:47:18:04 - 01:47:48:25

Explored some of this, and I think the as I mentioned at the start of this meeting, that the purpose wasn't to sort of deprive affected persons from, from going into detail, but this wasn't the meeting to, uh, to, do that. And, uh, I think that and I think in terms of when we picked up on these issues under the issue specific hearing, which I think was similar, uh, the position was obviously, uh, I understand your client's your client's position on that, but you were going to provide, uh, further information in line with the various deadlines.

01:47:49:04 - 01:48:01:16

Um, I wasn't anticipating this meeting to be a sort of detailed, uh, sort of examination and sort of asking questions on that, particularly given what we've, uh, investigated at the issue specific hearing yesterday.

01:48:04:16 - 01:48:31:04

So obviously, uh, Richard, obviously I'm in your hands. Um, I am concerned that if some of these points aren't flagged at an early stage in the examination, that we will be quite late in the examination by the time you get to them. And they might be important. And I don't want to cause later delay in the program, but, um, if you don't want to explore them today, then I'm in your hands.

01:48:31:06 - 01:49:01:15

Well, I think I think what we'll do is we'll take a break. And I think, um, rather than sort of going through a series of questions, um, which wasn't the intention, but after the break, if you if you want to make what those, those points are, um, I'll be I'll, I'll happily hear what the, what the points are, but I think I'd prefer them made as points as to what the issues are that you're concerned about, rather than for asking a series of detailed, uh, detailed questions. Because that wasn't the anticipation of this, this meeting. And I think that was set out in the in the brief I gave, gave for the meeting.

01:49:01:20 - 01:49:16:06

So, uh, what we'll do that immediately after the break. But it is it is a good opportunity for break. I suggest we have, uh, quarter an hour. So if we resume at, uh, five minutes past, uh, past 12 and our joint during the hearing. Thank you.