



Hearing Transcript

Project:	Cory Decarbonisation Project
Hearing:	Compulsory Acquisition Hearing – Part 2
Date:	7 November 2024

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FULL TRANSCRIPT (with timecode)

00:00:04:29 - 00:00:22:15

Oh, it's, uh, it's 12:05, so it's time for me to resume the hearing. Uh, just before we adjourned, I did say to Mr. Attorney that, uh, I give you an opportunity to make, uh, some brief points that he wanted to on agenda item two. Before we move on to agenda item three. Uh, Mr. Attorney

00:00:24:03 - 00:00:27:08

Rich, attorney for Lansing and Munster Joinery. Um.

00:00:27:18 - 00:01:37:25

Just very briefly. So first of all, the test for compulsory acquisition. Um, the issue here is whether the land proposed to be acquired, uh, may be excessive because the development proposals can be constructed without the need for that land. And in respect of that point, um, we say and I think the applicant, um, agrees that it's for the applicant to demonstrate that the objectives of the project cannot be achieved without the compulsory acquisition of the landfill and monster joinery land, and in respect of design, what I call design alternatives, which is assuming that we are in the road location proposed in respect to design alternatives, um, we consider that the objectives of the project can be achieved if a design can be brought forward, which would firstly achieve the same carbon capture performance of the scheme proposed in the DCO, and secondly, be a scheme which is technically feasible.

00:01:37:27 - 00:02:16:10

So those are the two things that we think drive that consideration and which will obviously address in our evidence on two specific points about the extent of land required, um, which I flagged at this stage. Um, we proceed on the basis that so far as is necessary. Compensation or mitigation for habitat impacts can be achieved outside of the operational area, and that the proposal for heat transfer is for the carbon capture and storage scheme only.

00:02:16:19 - 00:02:51:24

So those are the things that we say should provide the test for you to decide whether the design alternatives that we will bring forward, uh, negate the case for compulsory acquisition. That's the test for compulsory acquisition. The next point is on consideration of rights. Um, it's obviously necessary for you, sir, to consider whether rights alone would suffice to achieve the objectives of the project. And if so, you should not, uh, recommend confirmation of compulsory acquisition.

00:02:53:03 - 00:03:39:26

Um, in rejecting option three, which was, um, the option of building around the Munster um, uh, Lancelot Munster site. Uh, various factors were identified in the environmental statement. I won't read them out, but it's paragraph 3.4.4 of chapter three of the Is. And our understanding, uh, is that the applicant has not considered the applicant has not considered to date whether the acquisition of rights over the land sell and Munster joinery land would address some or all of those reasons given for rejecting option three.

00:03:39:28 - 00:04:21:11

So it's rights specifically in respect of option three that the applicant considered. And then finally, very short point on alternative sites this that um, you've looked at, you've been shown in and the Tsar or Russians are report that there are, uh, sights considered being the north and east locations as identified in that report. And, um, we consider that the applicant should address whether a combination of the north and east sites could achieve the project objectives.

00:04:21:13 - 00:05:02:20

And just to be absolutely explicit, meaning the Iron Mountain site and the Aviva land, um, which lies on the former jetty. And the reason we identify those two is because Aviva is recorded in the site's analysis as being a willing seller. And Iron Mountain, the freehold, at least of Iron Mountain site uh, was recently marketed and therefore was available to, um, Corey, um, at least, uh, whilst these proposals were emerging.

00:05:02:22 - 00:05:30:13

So essentially what you have at the moment is you have an analysis of the eastern site, which says it's the loss of Iron Mountain and little and it's, um, for the applicant to consider a solution which would, uh, not lose little, but would be sited on Iron Mountain and potentially also the Aviva land. So those are the three points, um, that I wanted to raise. Thank you.

00:05:31:25 - 00:06:04:20

Thank, thank you, Mr. Tierney. Um, and again, I'm reminded, I think one of the actions, bearing in mind some of the points that were made earlier on, was that the applicant was going to sort of, uh, uh, in response to his point, me in the direction of where the, uh, where your approach to existing arrangements and your case, why you don't consider that, uh, is going to be appropriate. I was going you were going to sort of point me to the direction of where I can find that in documentation. Yeah. Thank you. Can I just, uh, check this is.

00:06:04:29 - 00:06:08:29

I mean, does the applicant want to respond to any of those those those points?

00:06:09:10 - 00:07:02:24

So Rebecca and the applicant, um, not really much to say at this stage. It's obviously very helpful to hear that from, uh, Nancy. So grateful for that. A number of the points are going to be dealt with through the material that we agreed to provide. Uh, yesterday in relation to the North and East combination, we're obviously happy to, um, provide you with some material confirming our position on that combination. That's, um, no difficulty. Uh, in relation to the tests, I do just want to, um, make clear that we don't agree at this stage with what's been set out in relation to, um, about the, the

objectives, and my little friend said that it would be acquisition wasn't necessary if we could achieve the same carbon capture and it was technically feasible.

00:07:02:26 - 00:07:31:09

I think an important addition to that would be that quarry is provided with a safe, suitable and secure operation. Those are really important operational requirements that we consider also go into the mix in considering whether land acquisition is necessary or not, but those points are going to be explored further through the position's relative positions in evidence in any event. And so I don't have those references for you now. So we'll come back to. No, no.

00:07:31:25 - 00:07:38:06

I was just reminded when Mr. Sydney was speaking that, uh, uh, that that was sort of a follow on action from today's meeting.

00:07:38:08 - 00:07:44:14

That's right. We've been keeping a note of those. There is no doubt you have. And we'll go through those at the end of today's session.

00:07:45:10 - 00:07:45:25

Thank you.

00:07:46:07 - 00:07:58:07

I'll just say say that for the purposes of your examination. Sorry. Rich attorney for Lance answer a monster, that's very helpful and we will add to our list, save suitable and secure operation. And, um, we'll address that in our evidence.

00:07:58:16 - 00:08:31:01

Uh, and again, I probably don't need to reiterate this, but yesterday we did talk about as well as, uh, obviously, you know, and without prejudice to anyone making representations either orally in writing, uh, during the examination that, uh, uh, even if parties, you know, feel that they're at an impasse in any negotiations, I would encourage all parties to continue to, uh, to discuss matters and to narrow down issues where, where that's where that's possible. So thank you. Uh, I'm just going to double check if there's anything else on item two before I move on to item three.

00:08:33:15 - 00:09:07:04

I can't see anyone on that, so I'll now move on to item three, which is special category land. Now again, I'm conscious that, um, the, uh, the request here was for the applicant setting out the case, uh, particularly for special special category land, but unconscious. There are some overlaps there. Again, I think in terms of the applicant's general case, um, some of which was explored, uh, explored when I was asking questions specifically about, uh, both alternative alternatives and also nature conservation implications.

00:09:07:07 - 00:09:32:08

Um, but I would ask the applicant if they can sort of briefly set out the approach to special category land. Uh, I'm conscious also that, uh, yesterday there was a helpful explanation, uh, of those areas which are, uh, let's say, uh, technically special category land under the CCA regulations and

terminology that the applicants used to try and, uh, sort of explain that to other, other parties as well, which we heard yesterday. So thank you.

00:09:32:25 - 00:10:10:02

Rebecca Clayton, for the applicant. Thank you sir. So, uh, as you're aware and as you've just alluded to, there are a number of plots within the order limits that are open space within the wider meaning of, uh, that term is used in planning policy, and they are all identified in the book of reference. Um. However, not all of the land that forms open space for the purposes of relevant planning policies is open to the public or accessible, and indeed much of it is fenced or gated off and inaccessible for the purposes of special category land.

00:10:10:04 - 00:10:40:10

What we're concerned with is what we have termed accessible open land, and that is land that is used for the public by the public, rather for the purposes of recreation. So I think I explained yesterday, our definition of accessible open land is coterminous with the definition of open space that is within section 19 of the Acquisition of Land Act, 1981, which is the definition that she used in turn within the 2008 Planning Act.

00:10:41:19 - 00:10:42:04

Now.

00:10:44:04 - 00:11:18:02

Those parcels of land, The land that is. Land used by the public for recreation and is special category. Land by a set out in the special category land plans, which is found at A01 one. And um, within that, I don't think we necessarily need to go to it now. But what you'll observe, sir, is that the western extent, Cross Ness Local Nature Reserve is not regarded as being special category land open space. It is not accessible to members of the public and is not used or laid out for purposes of recreation.

00:11:19:06 - 00:11:52:09

Um, the proposal that the applicant has is to undertake the works that are proposed in the outline on the special category land. And as we've already discussed, the morning as this morning has applied for the compulsory acquisition powers in order to facilitate that. And we don't need to go over the reasons why we've done that. Um, importantly, for the purposes of, uh, applying the tests in the Act, uh, we are, in light of its proposals for that land, which is essentially to improve and thereafter to keep it open.

00:11:52:19 - 00:12:27:14

The applicant hasn't sought to provide replacement land in exchange for that land. And so in those circumstances, I can confirm that we don't rely on the exception for, uh, SP a special parliamentary procedure that's contained in section 1314 of the 2008 act. Um, nor, given the nature of the proposals, i.e. the long term uh, management and use of that land for open space, we don't intend to rely on the exception for temporary uses in section one, three one, four B.

00:12:27:28 - 00:13:15:18

And finally, um, obviously the special category land is larger than the 200 square metre limit that set out in section one, three, one five of the 2008 act. And so you don't rely on that either. So in support of

our case that, um, you, the Secretary state should certify that no special parliamentary procedure is required. We. Our position is that section 1314A is engaged, which is the test that, uh, SPE can be avoided where there is firstly no suitable land available to be given in exchange for the order land and also additional limb of the test that is, is strongly in the public interest for the development for which the order grants consent to be begun sooner than is likely to be possible if the order were subject to SP.

00:13:16:29 - 00:13:27:00

Um. Our case in relation to both those aspects are set out in the statement of reasons. Um, and I gave you the reference for that earlier. Um,

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and that is uh, AP 020.

00:13:36:07 - 00:14:08:03

And in particular, uh, it's set out in section 8.2. Of that report is page 36 onwards. And I say we don't need to go to that now. But I can summarize our position as set out there. So firstly in relation to again the first limb of that test, that there is no suitable land to be given in exchange, um, the applicant has given consideration to both the current location and current function of the.

00:14:08:05 - 00:14:52:25

I'm going to use term accessible open land here just as a convenience. And our view is that that is a green space that is, uh, traversed recreationally to reach specific locations and what it acts as, as a green buffer between an access route between the Cross Ness Local Nature Reserve. And obviously it is, um, part of that. We've got the England Coast Path and the Thames Path and the and then Belvedere as an area to the south And, um, our primary position is that in practical terms, there is no other, uh, land that could perform the same function as that piece of land available in the local area.

00:14:55:11 - 00:14:59:28

The second point, um, is that it

00:15:01:14 - 00:15:29:26

goes back to the proposals for this land. We're proposing to improve that public open space. We're not proposing that it will be lost. It will be improved, and it will continue to be managed and open and available for the purposes of public recreation. And so, in those circumstances, the most suitable land to meet those needs is still present and will be required by the DCO to be kept open to the public in any event.

00:15:32:03 - 00:16:02:16

And then thirdly, and finally, um, we set out, uh, in the open in the statement of reasons information from Brexit Green Infrastructure Study, which defines the land that comprises our special category land as a higher quality, higher value district. Natural and semi-natural urban greenspace, um, where it says that there's a catchment area at a district level for all that such open space as 1.2km of 1.2km.

00:16:03:14 - 00:16:55:12

And so what we looked at, sir, was whether, if suitable land were, uh, to be available in order to, um, meet the tests of being, uh, no less in size and no less advantageous, it would need to be land that was meeting at that same description as was set out in the Green Infrastructure Study in relation to the special category land. And then also it would need to be of equivalent size, which is, uh, just over 58,000m². Uh, we then as set out again in in the statement of reasons, uh Undertook a review of whether such land was available within that area that met that description, and our conclusion that that would be suitable as replacement land, and our conclusion that there was not such land available.

00:16:55:17 - 00:17:31:18

Um, and the position was either, uh, that it was any such land was already open space for, uh, within the same meaning as uh, section 19. And in those circumstances, it can't be used as open space by us or can't be. It can't be a replacement open space because it's already open space. Uh, otherwise it was allocated for, uh, development. Or thirdly, it was alternatively, it was already built on, uh, for existing development. And actually, having said that, we, um, don't want to go to it.

00:17:31:20 - 00:17:37:07

It might just be worth bringing up the statement of reasons so I can show you two plates if you find that helpful that are in the.

00:17:37:21 - 00:17:39:06

If that's a hand.

00:17:39:08 - 00:17:41:05

Yeah I'm just getting that.

00:18:07:08 - 00:18:38:11

So if we start at page um 39 of that you'll see their plate. Which is the map showing the area, uh, or the buffer zone, the 1.2km. That was our area of search. If we then scroll down to plate B, in fact let's scroll first. Sorry to plate. See this is taken from the Green Infrastructure Study. And it shows what is already open space. And you'll see our site nestled in between.

00:18:38:14 - 00:18:43:03

Uh, all wrapped around, wrapped by 112 and 14.

00:18:44:26 - 00:19:17:26

And to the south of that you'll see area 12, which is already open space. That's land that already would have had the same definition as, uh, the special category land was seeking to replace and therefore can't be used. And then there are two parcels at further south than that that are gray. And the first of those is land that is allocated as CIL in the local plan. And that's. And then there's a further gray area, uh, below the sort of thinner part of area 12.

00:19:17:28 - 00:19:22:00

And so just so you mean strategic industrial land, is that correct? Yes.

00:19:22:02 - 00:19:55:02

Forgive me. Strategic industrial land. Exactly. So strong policy protection for that parcel. And also there's a parcel further south which is allocated for education Purposes. Um, so strong policy protection for, um, both of those uses. Worth noting as well that they are not they are, um, somewhat removed from, uh, the application site and couldn't perform the same function in relation to connectivity between the Coast Path and Belvedere itself.

00:19:56:18 - 00:20:36:23

And further, uh, the land part of the CIL land is already owned by, um, Thames Water. And so we'd be taking more of their land in order to replace of the land that they're already having acquired. And the, uh, education land is, is just for information owned by, uh, Peabody and and Telford. So, um, we do not consider that this is, um, suitable alternative land either, given its potential to perform the same function as that which is within the site.

00:20:36:25 - 00:21:09:06

The application site is special category land, and nor do we think that it's suitable given its, uh, alternative. The alternative uses that it's required for. So that deals with the first limb, um, of the test. And then in terms of the second limb, which is that the um, development ought to come forward before, uh, I paraphrase, but that the development ought to become forward, uh, more quickly than would be allowed if, uh, SP were to go ahead.

00:21:09:16 - 00:21:42:16

Um, our starting point here is that there is a compelling case in the public interest for the, uh, application scheme to come forward. Our planning statement identifies, and you've already heard discussion yesterday, uh, of the fact that these carbon capture storage facilities such as that proposed aren't there's an policy in the NPS, and one identifies an urgent need for those and it is designated as critical urgent priority national infrastructure. So that is, um, what the government thinks about it.

00:21:43:00 - 00:22:01:19

Um, government is obviously also seeking to deliver these, uh, this sort of priority infrastructure as rapidly as possible. And, uh, our position is that this site is, if consented, is of course, we have, uh, the will and the ambition to do that as quickly as possible.

00:22:01:21 - 00:22:15:19

And so, so but so, so my understanding is in terms of the case for special category. And you're not saying there's anything distinct in your case. Uh, that's distinct from your overall case for um acquiring. Is that correct.

00:22:15:21 - 00:23:03:04

No. But but in relation to this, we have to explain to you what in relation to this limb of, uh, the exception for, for a SP, we have to explain to you why this needs to be delivered more quickly than would be possible if SP were to proceed, and the point that I'm going to come to next, sir, is that SP, we estimate, would add around two years to this process. And so what you would be doing by not allowing this proposal to go ahead without a certification that SP wasn't necessary, is delaying the provision of infrastructure for which there is an urgent need in national policy, for which there's critical, urgent priority designation by a further, uh, to potentially two years.

00:23:11:20 - 00:23:22:20

So, so that that that fundamentally is is our case on, uh, on the special category land and the reason why we say the exception at 1314A applies.

00:23:23:06 - 00:23:39:08

Thank you. I haven't got any, uh, particular questions about that. Um, you've referred me to, uh, where that case is set out in the documents. Um, can I see? Does anybody else want to raise any points on, uh, on that particular point?

00:23:43:12 - 00:24:01:28

In that case, I'll move on to, uh, uh, to to to item four, which again is, uh, me requesting the applicant to, to give an update on latent position of operational and statutory undertakers, uh, including if there's, uh, what outstanding uh, matters are to be resolved at this stage.

00:24:03:07 - 00:24:07:14

Rebecca Clark, the applicant, sir, again, I'm going to hand over to Mr. Cooper on this one. Thank you.

00:24:09:18 - 00:24:10:10

Stuart Cooper.

00:24:10:23 - 00:24:11:13

Applicant.

00:24:12:04 - 00:24:44:05

I deal first with the Environment Agency. Great British Pumping Station was removed from the order limits. And the submissions, uh, to the planning inspector on the 25th of September. The EA I will be having success protected through the protective provisions. And we're awaiting comments from the EA on that. And there is a wider discussion around the whole DCO with the Environment Agency for the Port of London Authority.

00:24:44:07 - 00:25:14:21

Mr. Fanning is, um, online. Um, the applicant is issued draft terms and exchange and discussed draft terms for land and rights required with the scheme. And Mr. Fanning and I intend to continue discussions with a view to reaching an agreement as soon as possible. And there is a wider discussion between quarry and the PLA in respect of the DCO more widely.

00:25:16:15 - 00:25:49:24

If I then turn to Thames Water. Ah ah ah ah ah ah ah ah ah ah ah ah ah ah ah ah ah ah ah ah ah ah. The applicant accepts that the Thames Water access road is operational. Land and Thames Water also maintain that provision. This land will be protected by the protective provisions paragraph 39 and the law also be dealt with in paragraph 210 four of the Outline Code of Construction Practice, which is as.

00:25:49:26 - 00:25:52:14

29. Ah ah ah ah ah ah ah ah ah ah ah ah ah ah ah ah ah ah ah ah ah ah.

00:25:56:05 - 00:26:07:19

Actually just, just on that and I've both read and heard what Thames Water have said about the. Am I correct in understanding that the affecting the outstanding issue is where it's going to be?

00:26:09:16 - 00:26:15:13

Yes. There's no argument that the road is operational land and there has not been one.

00:26:18:27 - 00:26:19:12

Thank you.

00:26:22:14 - 00:26:54:16

If I can just then talk generally about statutory undertakers? All known statutory undertakers have been covered by the protective provisions in the Development Consent order, um, with the exception of the PLA and to agree you cpn detailed comments are um yet to be received, but they specifically been requested. So that includes Thames Water and the Environment Agency. In the case of Ukraine.

00:26:54:19 - 00:27:24:26

Like many of the statutory undertakers, Corrie has experience of having agreed protective provisions with all of them on the development consent order for Riverside to. In Ukraine's case, there will be a substation under construction now, which at some point would become operational land for it, but most likely post examination if, um, nothing else.

00:27:24:28 - 00:27:31:00

And so we expected to deal with that with them as part of a statement of common ground, which is with them at the moment.

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And then just to add to that, some of the applicants, just to confirm that the protective provisions in the order for the benefit of UK PM would apply to that substation once built.

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And just just briefly where I answered this substation.

00:27:46:03 - 00:27:47:18

It's inside Riverside two.

00:27:48:01 - 00:27:53:17

So it's within effectively the the blue land. That's an independent. Thank you.

00:27:56:18 - 00:27:57:21

If you want to carry on.

00:27:59:00 - 00:28:00:26

I've run out of statutory undertakers.

00:28:01:03 - 00:28:19:27

That's on the on on the Environment Agency. Um, what what what issues uh, are still outstanding. I'm conscious that there was an issue about the Great British Pumping Station, which you've attempted to resolve by, uh, of actually not removing that from the from the land for. Sorry.

00:28:20:18 - 00:28:25:17

Applicant. No great breach pumping station has been removed from the the order limit.

00:28:26:04 - 00:28:32:26

Yes. Yeah. My question was unconscious. That's that's your approach. What else is outstanding with the Environment Agency? Uh.

00:28:33:28 - 00:28:37:03

From my involvement, comments on the protective provisions.

00:28:38:00 - 00:28:52:12

So it's in terms of your understanding, obviously, I'm conscious of the Environment Agency out here to, to to respond to that point. But the removal of the pumping station from the order land has addressed their concerns. Is that is that your understanding.

00:28:53:11 - 00:29:24:02

That Mr. Fox, without the applicant, in the context of today's land hearing? Uh, yes. We understand that generally, nationally, the EA are kind of reviewing their approach to protective provisions, and that's kind of why we're waiting comments from them. But they are based on a combination of, uh, the two DCO and our experience of working with the agency on other DCS. So if there are comments, I'm not expecting them to be of any, uh, A great significance and should be able to be resolved fairly swiftly during examination once we received them.

00:29:25:22 - 00:29:31:00

And this is just a specific point, just picking up the talk about sort of Thames Water.

00:29:32:29 - 00:29:38:02

Is that how the Environment Agency accesses pumping station long Thames Water access, or is it separately.

00:29:38:13 - 00:29:39:04

Just the same.

00:29:39:06 - 00:29:40:08

Yes. Okay. Apple.

00:29:42:14 - 00:29:51:08

There and tied to that. So these protective provisions also have um provision relating to access to the pump station.

00:29:52:13 - 00:30:23:03

And, and is it, is that sort of tied up or is it effectively separate. You're talking about that the protection provisions would provide access to the pumping station in an unspecified location. And obviously Thames Water wanting to ensure they've still got their emergency access. Other, um, uh, are those sort of disaggregated in the, uh, in the provisions rather than sort of being combined? Obviously, the existing situation is that they both use the same piece of piece of roads to get together. Um.

00:30:24:11 - 00:30:43:26

So, Mr. Fox, on behalf of the um, applicant, so that the protections for the, the agency and their protective provisions should paragraphs, uh, 28, um, specifically is more a kind of a practical provision which says that we just will ensure that there is continued access, but it.

00:30:43:28 - 00:30:54:16

Doesn't. So it doesn't say they will have to use the whatever's resolved with Thames Water for their access. It just it says they need access so they may or may not be the same.

00:30:54:18 - 00:31:05:03

Yes. So it says that we must provide if at any time it's obstructed, we must provide alternative means and access to operate them in a way that's no less effective than before there was any such approach.

00:31:05:10 - 00:31:06:27

Just. Just so I understood this. Yes. Yes, sir.

00:31:07:00 - 00:31:35:24

Okay. Yeah. Um, and I think just just to clarify, as we said, as Mr. Cooper said, the Thames Water Protector provisions provide for, um, the if there is to be a change to their access rate for them to to approve that, and as part of their approval, they'll be able to consider the issues that they've raised in their relevant reps. Um, so we're confident that we'll be able to resolve with them. But I would say that just to confirm that it during the that won't happen during the course of the examination.

00:31:36:21 - 00:31:54:02

But but you've already explained that actually that your view is that the way the requirements been written enables them to, to have control over that. So. Yes, sir. Yeah. Thank you. I haven't got any other questions. Uh, on on Saturday. Undertakers. Can I just see if there's any other points anybody wants to make on that?

00:31:55:21 - 00:32:05:02

I can't see any hands in the room or online, so I'll now move on to item five, which is, uh, which is which? Which is funding. Sorry, that,

00:32:06:25 - 00:32:10:02

um, this nation. You're on mute.

00:32:11:06 - 00:32:42:07

Apologies, sir. Um, Lauren Asian of Gowling. So the Port of London Authority, my colleague, um, head of estates. Ben Fanning's also on the line just in respect to the statutory undertakers point. Um,

just as a preliminary point, I think a plan was put up early this morning showing the Thames path, and there was an indication and in fact, I think it's listed in the book of reference, that the Port of London have ownership of that plot. Uh, the relevant plot being plot 1-103. There's a number of other plots in the book of reference as well, where the Port of London Authority is listed are having an interest.

00:32:42:09 - 00:33:15:10

My clients, um, checked a number of the plots this morning, and, um, that that isn't the case. It wouldn't own it wouldn't own anything above mean high water. So we think perhaps the review does need to happen in terms of the plots that have been included in the book of reference, and for which the Port of London Authority are listed as having an interest. Um, we can we can take that offline, um, and, uh, liaise with the applicant as necessary. Um, but it did sort of pique some interest amongst the team when we were suggested to have ownership in land that that my client tells me isn't the case.

00:33:17:08 - 00:33:35:29

Well, thank you for joining us so much. I think, as you suggested, in this nation, I think that's something that, um, if you can take that up directly with the applicant, obviously, if there's something that, you know, there's something different, uh, in reality to what's shown in the book of reference, that should be if we if I can ask the applicant to have a look into that.

00:33:36:24 - 00:33:49:18

Yes. Rebecca Kaplan for the applicant, sir. We will. And I'm grateful for to Miss Nation for drawing that to our attention. Will will liaise with them over the relevant plots. And, uh, to the extent that updates to the book of reference are required in due course, will make those changes.

00:33:50:17 - 00:33:51:04

Thank you.

00:33:54:06 - 00:33:56:03

And was there anything else, miss? Miss nation?

00:33:56:15 - 00:34:32:21

Sorry, sir. Yeah, just on the on the, um, the point of statutory undertakers generally. Um, I think as you set out in the the Port of London's, um, representation, we obviously object to, um, any compulsory acquisition of freehold interest. Um, and with with that said, we support the inclusion of paragraph 61 and the protective provisions, um, which I think have been, uh, touched on this morning. Um, in terms of, from our prospective discussions with the applicant, um, in relation to lease arrangements for permanent works, um, those have commenced and we would expect agreement to be reached on that issue by the end of the examination.

00:34:33:04 - 00:35:10:03

Um, discussions haven't yet started on arrangements for temporary possession required by the applicant. Um, and the PLA is unclear what works are envisaged to be undertaken, uh, within the area required for temporary possession. I think that's plot 2006. Um, so that that plot extends into the river. Uh, and at the moment, schedule ten of the draft DCO just referenced. References. Temporary works. Um, for work number four, including temporary moorings. Um, and as you can appreciate, um, the

PLA has particular concerns that works will be carried out in the authorised channel, uh, towards the middle of the river.

00:35:10:05 - 00:35:20:06

So whilst. Yes. negotiations it's true have commenced. Um, from the PLA's perspective. There needs to be a further engagement in respect of particularly the temporary working measures.

00:35:22:08 - 00:35:36:10

And just just on that, I mean, you mentioned a distinction between the, the the acquisition and the temporary possession. Uh, is there any impediment to those, uh, discussions from your your position, Mr. Nation?

00:35:37:07 - 00:35:46:03

Uh, no. No, sir. No, we don't think so. It's it's simply just, um, having the engagement, um, to to work for hopefully to an agreed position for everybody.

00:35:47:12 - 00:35:51:25

Thank thank you. Um, was it was that the other the other point.

00:35:52:10 - 00:35:54:05

That was it. Yes. Thank you sir. Okay.

00:35:54:20 - 00:36:04:23

I mean I'll give the applicant a chance to respond, but I think that's something to to note. And obviously, again, an action for, for you in terms of your discussions with the the Port of London Authority.

00:36:05:02 - 00:36:23:27

So Rebecca, for the applicant, um, I mean, our position is that we have proposed a position in terms of our position being that the proposed work, temporary works will be carried out, uh, effectively under the order, but in accordance with the protective provisions. But we can we can take that point away and continue discussions with the PLA.

00:36:24:22 - 00:36:42:21

So, so, so just just so I understand that you're saying that your your intention was effectively that the protective provisions for acquisition would cover the temporary position as well? Yes. That's and yeah. Okay. Thank you for that clarification. Uh, Mr. Fanning, I think you had your hand up. Was that covered by your colleague?

00:36:49:12 - 00:36:50:06

Uh, can you.

00:36:50:08 - 00:36:50:23

Hear me?

00:36:50:26 - 00:36:51:14

Yes.

00:36:51:21 - 00:37:00:08

Sorry, I can't seem to open my camera, but, um. Yes, that that point was, was properly covered, so I've got nothing else to to add at the moment.

00:37:01:11 - 00:37:18:00

Thank you. Thank you, Mr. Fanning. And, uh. Yeah. Sorry. I, uh, again, I'm sort of not allowing for the delay in the, uh, uh, in the can. I just checked, I was I was just about to move on to, uh, to to item five. Can I just check to see if there are any other comments an item for.

00:37:21:16 - 00:37:38:05

Now, I think that's comfortable. So but thank thank you for those contributions. So the next item is about funding. And just to uh asking the applicant to provide an update on the latest, uh, latest position. Uh, I've just got a couple of questions I want to ask about that. Um.

00:37:38:13 - 00:37:54:01

Rebecca, for the applicant in relation to an update, we don't have anything further to add at this stage beyond what's already set out in the the funding statement, which was AP 021 or sorry, forgive me AP 141. We had a revision B.

00:37:54:29 - 00:38:07:27

So so just to be clear, in terms of the the cost estimates and acquisition cost breakdown, I think it's in, uh, 2.11 of the funding statement. You're saying there's been no change to to those. So I'll let you get to that.

00:38:08:11 - 00:38:11:12

That's a no no no no no update. Yes, sir.

00:38:11:27 - 00:38:20:18

And I mean, how have any forecast increases in construction costs being factored in. That's sort of more of a general general point.

00:38:22:28 - 00:38:32:04

So I don't think we have the correct. Rebecca. And for the applicant, I don't think we have the right person to answer that question for you here today. So we might have to revert that one to writing.

00:38:33:03 - 00:38:58:19

Yeah. So I think I'm just I'm just conscious generally in terms of, uh, you know, the situation with, uh, with, with construction costs. But perhaps that is something um, the, the question is how how of, uh, how of any forecasts, increases in construction costs being factored in. So perhaps um, that is something that in responding at deadline one, you could just just clarify that because,

00:39:00:08 - 00:39:31:06

um, uh, I think again, this is a very detailed point, but, um, uh, in the, uh, I think in appendix B, uh, there's a title for the audited accounts for 2022, but I'm not sure they're there. So I don't know if that's

something that was picked up in the errata, uh, document. I don't think it was. And I'm just wondering whether that was a that was an omission. So I think there's, there's, there's two titles, but only one table.

00:39:33:14 - 00:39:51:27

Rebecca Clayton for the applicant, there are two tables in the version I'm looking at here. So I wonder if it was a were you looking at it online. Maybe it was a loading error or something because I couldn't. They're on the same page. Both both headings. And then there's, there's a sort of longer table and then a squat table. There you go.

00:39:53:21 - 00:39:54:24

They're on screen now.

00:39:56:08 - 00:40:03:00

But I don't think that's what's in the I think it's not looking at the examination library's on I've got something to.

00:40:03:04 - 00:40:04:15

AP one for one.

00:40:16:06 - 00:40:16:21

Yeah.

00:40:20:02 - 00:40:23:07

So I'm just going to look at the original version and see if maybe it was missing from that.

00:40:27:03 - 00:40:31:26

Ah, yes, I'm looking at. I was looking at the original submission.

00:40:36:00 - 00:40:40:15

Thank you. That's clarified that at that point for me. Um, yeah.

00:40:42:27 - 00:40:44:06

Uh, and.

00:40:48:08 - 00:41:09:08

Yeah. And just, just in terms of availability of, uh, of accounts. So I'm conscious that the funding statement was, uh, was reduced in March this year. I just wanted to check. Uh, obviously the accounts appended, I think, with the 2022 accounts. I just wanted to check and see in terms of returns, whether there's any more recent ones available. Um.

00:41:12:27 - 00:41:22:04

Rebecca Clayton for the applicant. Yes, we'll we'll check. We think that there may be and we'll provide those with the D1 submissions if they are available.

00:41:22:18 - 00:41:31:20

Uh, yeah. I think I'm just conscious. Obviously, there is a lag between submission of the application documents and where we are now, and I want to make sure that the examination has the most up to date.

00:41:31:23 - 00:41:34:14

We will make sure we have the most up to date information.

00:41:34:16 - 00:41:44:04

Can I just request it? Also, there was a sort of, uh, just a brief note, just outlining any implications that might come from that, because obviously that will be a new piece of information. Of course. Thank you.

00:41:45:21 - 00:41:57:16

Those are the only, uh, clarification points I had on the, uh, uh, on on the funding, uh, funding position. Are there any points that anybody wants to raise about, uh, funding?

00:42:02:24 - 00:42:11:09

I don't see any hands up in the room or online. Thank you. Um, are there any other relevant matters that anybody wants to to raise?

00:42:14:13 - 00:42:18:02

Yes. If you can just wait for a, uh, uh, a microphone to be brought to you.

00:42:20:19 - 00:42:52:02

James Hewitt, Mr. Hewitt. Um. No affiliation. Um, I might be revealing my ignorance on compulsory purchase, but I wonder if there's any possibility of a constraint on the agreement that, um, there is constraint on what? The applicant whether to have a compulsory purchase, um, on what they were allowed to do on that land, should the project not proceed on schedule. Um, that's that's one thing.

00:42:52:09 - 00:43:41:00

Um, when he is that it is very important to complete the work as soon as possible. In its professional Judgment. The applicant anticipates completion by 2030. Um, that may be, some would say cosmetic. Um, but I hope not. Um, and, um, the issue of the performance of the carbon capture facility. I urge, um, consideration of the, the fact that there are no examples of a large scale energy from waste facility using the sort of waste that this one is going to be burning, um, anywhere in the world.

00:43:41:02 - 00:43:58:25

And should the, um, performance be nearer 50% than 95%? Then the cost of operating it will be very substantial to bring it up from, um, that 50 or 60, whatever it is, percent up to even 80%. Thank you.

00:43:59:13 - 00:44:19:20

Yeah. I think your question is perhaps slightly outside of the scope of this meeting. I appreciate that, but but thank you for raising them and I will but I will give the the applicant a brief opportunity to, to make any comments on those two points. So I think the first one was about the implications if things don't happen on on time. And the second one was about cos.

00:44:20:25 - 00:44:27:00

Rebecca and the applicant knows nothing to say at the moment or no sir. So I can nothing to nothing to say on those right now.

00:44:27:03 - 00:44:28:22

You're not going to address them.

00:44:29:19 - 00:44:32:19

We'll deal with those in advance. Submissions.

00:44:33:19 - 00:44:52:09

Right. I mean, as I said, just just being fair to me, you know, he's he's he's not he's not professionally represented. So the questions that perhaps are a bit outside the scope of this, but I am, you know, exercising my judgment to listen to what he's got to say. And it would be helpful if you if you have got anything you want to say on that.

00:44:53:06 - 00:45:23:07

So, Rebecca, for the applicant, I mean, in relation to the first point, we will simply say that there is no scope in law for the kind of constraint on compulsory acquisition that you've, that Mr. Hewitt has identified to be imposed. And in relation to the second point, I think fundamentally we'll say that those matters are controlled by, uh, the environmental permit in terms of performance of the plant. But we can confirm those points in writing, which hopefully will be more used to. Mr. Hewitt, you'll have them in written form then.

00:45:24:01 - 00:45:33:00

Well, well, I think I'm grateful if you could pick those up, because that does mean that not just Mr. Hewitt, but any, uh, anyone sort of with a wider interest can understand your position on that. So. Thank you.

00:45:37:00 - 00:45:38:25

Do you want to add something here, some.

00:45:38:27 - 00:46:06:16

Of you using the James Hewitt independent? Um, perhaps I'm abusing the situation. Um, the. I actually think I raised it in the open, open floor hearing. Um, but there may be some, some sort of test of rationality in saying, well, we need this, Therefore it will work. That is not logical in my mind, and probably the general public, but that's again probably perhaps slightly separate and I apologize.

00:46:06:26 - 00:46:19:17

Well, I, I hear you, I hear your comment there and I think, I think I understand your, your point about, um, how you've, you've heard this of the rationalization in relation to the, the need. So thank you.

00:46:24:02 - 00:46:38:17

Could somebody take a, take a microphone? Uh, I just wanted to say, whilst I'm willing to allow people to have a, uh, yeah, have their say that the focus is on compulsory acquisition, but if you could introduce yourself and, uh. Hello. Thank you. Thank you. Um.

00:46:38:25 - 00:47:20:09

My name is Callum Kerr, and I'm here as an individual, uh, as well as, uh, obviously, uh, lover of a reserve. Uh, first is a little bit more of a statement, but it is it is in relation to what was said by the applicant in, Uh. Item three. Um, so it's really I didn't say it then, but I want to say it now because I, I, I've thought about it since, if that's okay. Um, first is that there's an urgent need for nature, for habitats are not to be built on by industrial development in, uh, nationally and globally.

00:47:20:18 - 00:48:15:22

And that's incredibly important. I feel and it's it is very important. And second, I feel the applicant has used this accessible, open land to almost say that you cannot access the land that's being taken away and therefore it has less value. Um, whereas it is used to observe, uh, the nature there and in the plans there is some there is some plans to put through Island Field, which is a lower field from the um, access road, uh, pathway, which would mean that there'll be human access to what is also currently non accessible land, which is used to observe the wildlife and where the wildlife and uh, birds etc.

00:48:15:24 - 00:48:23:22

breed. So I feel like there's a misunderstanding unless I'm getting it wrong of the value of a nature reserve.

00:48:27:24 - 00:48:48:16

Again, I think if I understand your point, Mr. Kerr, it's a it's a wider one about, um, the that uh, sort of I think if I understand it, your concern is around the applicant's proposal to improve accessibility and whether that might have an effect, uh, on areas that are currently not, not accessible. Is that is that correct?

00:48:48:18 - 00:48:58:12

That is correct. Yes. Um, with their plans to that In making it more accessible. They're actually making it less valuable for nature in some ways.

00:48:59:11 - 00:49:04:27

I understand the point. Again, I'll give the applicant an opportunity to comment on that if they if they want to.

00:49:05:24 - 00:49:36:16

That's Rebecca Clayton for the applicant. I think that was a point that was raised in H1 yesterday and was dealt with by Doctor Joyce. So I won't go over that just in terms of the the accessible open land and the distinction with open space that is not used for recreation, but over which visual amenity or enjoyment of um observing wildlife is taken, that land obviously doesn't fall within the special category land for the purposes of the test within 2008 act and for compulsory acquisition.

00:49:36:18 - 00:50:02:07

But it still forms part of open space for planning policy purposes. And the implications for those designations in planning terms is a matter that's addressed in our planning statement. So it's not that it's not been being considered or that it's been overlooked. It's just that there is a distinction to be drawn between open space for the purposes of special category land and open space, in the sense that that term is used in planning policy.

00:50:03:11 - 00:50:05:09

Thank you. Okay. Thank you.

00:50:05:23 - 00:50:06:08

Thank you.

00:50:09:22 - 00:50:13:23

Again. Are there any other any other relevant matters that anybody would like to raise?

00:50:17:28 - 00:51:00:09

Okay. Thank you. Um, so I just wanted to review the, the issues and, uh, and actions and I'm conscious, uh, again, there was a number of, uh, uh, areas I think of either sort of clarification or explanation that I've asked the applicant to, uh, to, to look, to look to. Um, uh, I think there was, there was two items which I think are affected the same, which was, uh, just providing either signposting or an explanation of the, I think, the reasoning about those issues we touched on to start with, which was both the uh uh uh, the, the, the, the, the land on the footpath underneath the sort of access to, to the jetty.

00:51:00:11 - 00:51:37:06

And I think associated to that was the point that Mr. Murphy raised about the, uh, the effectively the sort of the, the, the I'll call it for sake of a handy phrase, the trestle corridor in its relationship to, uh, Riverside one. And I think, as Mr. Fox explained, it wasn't just for a pipeline. There was some ancillary, uh, works there, which may actually include, um, sort of vehicular access and things like that. So I think it would be helpful to have an explanation either, as I say, signpost point signposting to where that's covered in the documentation or an explanation on, uh, on on that.

00:51:37:18 - 00:52:12:19

Um, and I think as we've already sort of mentioned a couple of times, I think again, uh, either either signposting or an explanation of the point that Mr. Turney was, was making about, um, the alternative, which looks at sort of, uh, the existing existing arrangements and how that might, uh, uh, effect on it. Um, I think there was also, um, uh, the point about, uh, just, um, the, the, the, the, um, the Port of London land, which I think was just was more a point I think you were going to take off offline.

00:52:12:21 - 00:52:39:05

Just to clarify, um, whether in fact, actually there were some issues in the book of reference in terms of, uh, the actual ownership of, uh, uh, of that. Um, so I think those are the main points that I'm asking. I'm conscious that actually that the the applicant has effectively a series of information to provide by, by deadline one and, uh, uh, Mr.. Take you you've probably taken some good notes as well.

00:52:39:18 - 00:52:41:21

And you take for the applicant. So I've.

00:52:41:23 - 00:52:42:08

Noticed two.

00:52:42:10 - 00:52:43:06

Other things.

00:52:43:17 - 00:52:44:14

Um, first of.

00:52:44:16 - 00:52:45:12

All, uh.

00:52:45:14 - 00:53:07:27

To augment the funding statement to explain more about forecast costs and also to um, uh, make available, um, the audited accounts for the end of last year, which I, um, should be available. Um, and then finally, um, to respond to Mr. Hewitt's queries.

00:53:09:00 - 00:53:18:17

Thank you. I'm grateful for you to. Actually, yes, I'd. Although I'd literally just said those those things. I hadn't made a note. So I'm very grateful for you to pick those up. Mr. Murphy.

00:53:20:09 - 00:53:21:01

Mr. Murphy, for.

00:53:21:03 - 00:53:49:10

The Western Riverside Waste Authority, you'll remember that there were two queries, um, raised, one related to an action you've already referred to, but the other related to, um, the the blue land, if you remember, the power station land and the the justification for that was Maloney had indicated that, um, the applicant would provide a response wholly in writing to that. So I just want to make sure that that's on the to do list. In addition, I'm grateful.

00:53:50:00 - 00:53:52:19

But thank you. Thank you for clarifying the clarifying that.

00:53:55:03 - 00:53:55:18

Um.

00:53:57:28 - 00:54:28:19

Um, so I think I think that's covered a review of the issues, uh, issues arising. Um, so, uh, just before I, uh, I closed the meeting, just a final opportunity, just to double check to see if there's anything that anybody else wants to say. Uh, are there any remarks that the applicant would like to to say before I close the hearing? Um, well, it just goes to Lisa for me to say to thank everybody for their contributions, uh, to today, uh, and also for the assistance of Mrs. Norris, Mrs.. Allen and Mr..

00:54:28:21 - 00:54:37:22

Mr. Hurley, uh, and also for the, uh, audiovisual company. Uh, so thank you again. And the compulsory acquisition hearing is now closed. Thank you.