

Bramford_CAH1_Session2_081123

Wed, Nov 08, 2023 2:03PM • 1:17:20

00:04

Thank you, everybody, and apologies for starting a couple of minutes later than planned. So I'll resume with agenda item four. And if Mr. Gilby and or Mrs. littler, would like to briefly set out any outstanding concerns, other than those that we've entered and parked in relation to compulsory acquisition, temporary possession for the land in which their clients have an interest that haven't been addressed by the applicant. I'd be grateful to hear those No,

00:47

madam but forgive me Rebecca, clap for the applicant. Just before we do go on to agenda for Can I just pick up a matter that just wrap up from an agenda item three that I just wanted to clarify a point around removal of the haul road, I'm happy to deal with it during context of Agenda Item four, that'd be helpful. But I just wanted to flag that there was a point that I just like to make about our obligations to remove the temporary access road. Once we finish construction,

01:14

I think I will admit that Miss cotton at this stage because it might address some of the concerns that Mr. Gilby or Mrs. littler may want to articulate. So by all means,

01:28

I'm grateful. Thank you. So the point that I made during the first part of the morning session was that under the if a compulsory acquisition of a REIT had taken place. Pursuant to that right there would be no obligation upon the applicant the undertake to remove the remove the temporary access road once construction had ceased. However, I had a sneaking suspicion and that was correct that that is secured through other means. So I noted earlier that the removal of the temporary access road was contemplated as part of environmental impact assessment. And if we look at the code of construction practice, there's good practice measure GG oh seven, the code of construction practice is a Appendix A to the construction Environment Management Plan, which is rep 3026. And what that good practice measure provides is that land use temporarily will be reinstated where practical will appreciate has been discussions about that language previously, bearing in mind any restrictions on planting and land use to its pre construction condition and use and then there's some reference to hedgerows, etc. So the good practice measure does secure the reinstatement of land use temporarily following a construction. And that particular that will be construction borrowed management plan is secured pursuant to requirement for to a so that's how that's secured.

03:06

Thank you Miss Clinton, I think in the in the context of setting the scene for submissions. That's that's useful. Thank you. So Mr. Gilby, and Mrs. littler if either of you wanted to make a submission.

03:24

Thank you. My comments, first of all, bases that are based around the need for the compulsory acquisition and extent of the rights being sought under that we've heard from the applicant this morning, or the representative representative of the applicant, use the word reasonable proportionate, lowest level of interference, and indeed, the document, which has been published by the applicant and circulated document 859. The technical note on the temporary access route off ba 131. goes further in that it says in its conclusion that in assessing in arriving at their assessment of the route to be undertaken, they've taken on board the environmental impact engineering requirements highway design, access and safety and consultation feedback. It's on that latter point that I really do have some of my clients especially have some concern that I would like to bring before the planning Inspectorate when the original consultation was undertaken in autumn 2020 to our clients, or the approach at that time being peddled to our clients was that they would out there would only be a temporary access requirements across their property for the initial construction period. I to get the get the project and the infrastructure built. And it was on that basis that they made representation In the autumn of 2022, in late January 2023, that requirement changed from a temporary requirement for a three four year period into the temporary requirement plus a permanent right of way. And a response to this was submitted on the 29th of March 2023, expressing concerns regarding that and seeking further consultation directly with National Grid and then representatives. The July 23 consultation came and went on the basis that we were still working on the basis that as has been to a part outlined today, that national grid would come in would construct would remove, and would only come back in on a on the basis that they would need to do substantive rebuilding, which is what is being has so far been alluded to, in the first part of the discussions today. In August 2023, it was then brought to our attention that hold on a moment, we might actually be required to come back onto this land at other periods of time in an emergency or for other works such as Rob field and has outlined to us today. And at that point, we again reaffirmed to National Grid our preference that rather than crossing through the middle of two substantial agricultural arable fields, with complex drainage systems, that they go around the boundary of the field. Now we accept that obviously one of the key drivers here must be the cost provision of all road. And to that end, our client proposed in an email to national grid on the 30th of August, that if they were prepared to divert the haul road around the outside of the field, then they would be happy for that whole road to be left in situ in perpetuity for national grids. future use, so long as it was suitably landscaped and secured. Had the point we're making this was rejected by National Grid, as as as by that point, the DCO had already been submitted. And the wheels were effectively set in motion. But the point that my client would like to make is that had back in the summer stroke or autumn of 2022, it been clear as to what National Grid required in terms of the permanence of the right of way, then this proposal would have been tabled 12 months earlier, and could have formed part of the DCO process. And it is that in particular, that they feel particularly aggrieved about, notwithstanding the other issues that have been raised in documentation submissions over the interim period.

08:13

Thank you, Mr. Gilby. Certainly, I have the plan that was submitted with the written representation at deadline to the rep to 055. And indeed, I know that Mrs. Lister is going to make her submission, a plan that was submitted with the written representation on her client's behalf. And I do want to look at each of those in turn, after I've heard from you both. So that's something I want to delve into as well. Miss

Clinton, is there anything that you want to say before we hear from the solicitor or do you want to deal with them together?

08:56

Rebecca, clap for the applicant? I think madam will will hear the rest of the submissions and then we'll try and give you a comprehensive project on

09:02

things that would be helpful from my point of view as well. Thank you, Mr. Gilby. Mrs. littler, if you want to make your submission?

09:11

Yes, thank you. We have personally I mean, we have been lucky in that National Grid did move from their original route, and we are thankful for that towards the headland, taking out the good of route right through the middle of the field, to which we're thankful we have put to national grid that from our clients perspective, putting their routes to the other side of a hedge would help my clients in terms of the practical farming and alleviate issues with drainage that we foresee where the route is currently running. I know it's been explored by National Grid agents on our behalf and it so far hasn't been accepted that we would like the planning it's better just to give G regard to that we feel that a slight amendment to the proposed route would be to both parties advantage in avoiding substantial drainage issues.

10:16

Does that include does that conclude? Would you want to say at present, Mrs. littler?

10:21

Yes.

10:22

Okay. Thanks for that. As Clinton, as I mentioned, we do have the two alternative proposals in front of us. So rather than me come on and ask separate questions on those if you wanted to deal with those in a composite response, that would be very helpful. Thank you.

10:42

Yes, Rebecca Klein for the applicant. Madam, thank you for that. What I'm going to suggest, first of all, is that I pass you to miss Rotherham, who is a couple of people to my left. Ms. Rotherham is in the applicants consents team, she can give you just a little outline of how the proposals in this area have evolved. And the question around what was proposed at what time and then I'm going to after that asked her to pass on to Mr. Greenland, who can address you on the suitability of the alternative proposals that after the examining authorities helpful indication that we would look be looking at those plans. Mr. Greenland is prepared to explain the authorities position on those,

11:31

by all means, thank you,

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they study rather than representing the applicant. So we did initially a non statutory consultation, Mr. Brother, if

11:43

you could pull the microphone a little near towards you for the benefit of not only the room, but the recording, that would be grateful. Thank you. So

11:51

Sally, rather than representing the applicant, we have done both a non statutory consultation and a statutory consultation, which did not involve a whole route. And we got a lot of feedback from local residents having concerns about the road network and whether it's suitable for the size of construction vehicles we will be using. And at the same time, we were obviously doing our own investigations as to whether the vehicles will be suitable. So we introduced that the targeted consultation, a whole route, which was a sweeping route that was suitable for AI else. And the feedback we got on that was that, you know, it went straight through the middle of the field. And could we move it towards the field boundary? So we did investigate that the engineers had a look. And we did, we moved up to the north of the field. So that is on the western side of the route. Since then, we have had a number of options brought forward by the landowner, and we have seen them through the lands team, and we have looked at them in detail. I think this is a good opportunity to bring them up on screen.

13:04

I think that would be very opportune.

13:06

Do we have that?

13:11

Yeah. All right. So.

13:24

So that's Mr. Peter knots alternative route.

13:30

At rep

13:31

three Oh. So this route was put forward to us, we did look at whether we could move the route into this smaller field on the west. And whether it could obviously go into a less productive field. That route there is very wet it is in a high risk flood area from surface water flooding. And it would mean obviously coming off the highway network into an area that regularly floods. So that area, there was a contentious issue for us in terms of AI ELLs, obviously very large vehicles being in the high flood risk area and the topography of the ground runs towards a drainage ditch just to the north of it. So the the wet ground

there isn't obviously ideal for water management and water quality management as well. Moving along the route. When we cross over, there is a large floodplain where we deviate on the third field along so it instead of crossing the floodplain would run parallel to it so we've been in flood zone two three for quite some time and bearing in mind steep angles as well for ACLs and large ATVs carrying materials. So again, that wasn't really favorable in terms of environmental protection of having a whole road in the in this flood zones. We would want to cross them and get away from them as soon as possible.

15:01

problem. Can I just clarify two points? So the the black line is Mr. Knotts Fairford route his proposed alternative Yes. And just for absolute clarity. And whoever is presenting the plan doesn't doesn't need to change the view. But in the paper copy there are some notes underneath the plan. Given that the names that are mentioned, I take that those aren't National Grid's notes.

15:36

They are so we do have a multidisciplinary team obviously, for any decision making. So that the people involved are engineering myself from an environmental and consenting side. And we have lands and ultimately the project manager. So it's, you know, it's one, it's not one decision made by one person. This is a collective view and taking the planning balance, obviously, bear in mind all of National Grid's environmental and statutory obligations.

16:02

No, I just wanted to be sure for the avoidance of doubt that the value judgments expressed there were the applicants, they aren't the other than the affected persons. So it was it was really just that that factual clarification. Yeah. Thank you, sir. Mr. Greenlane, you were going to make a submission. I believe

16:21

that thank you very much, Christopher. I was Greenland on behalf of the applicant. So what we have on the screen here is obviously the proposed alignment on not only on pizza knots, but also on Jeffery knots land as we move east of oak road. I suppose it probably more appropriate for Mr. G knots agent to sort of discuss his land in trust rather than appreciate sort of there's a family connection there. But it would be useful if if Mr. G knots agent could sort of express one way or another if we're looking for an appraisal or further appraisal of the land on his clients interest, because I appreciate that another plan was those that screen

17:09

could just pull you up a minute. Sorry. I just want to double check the spelling of your surname. Is it G or E and hitch ALG? Hitch? No, it's not gonna, I'm gonna write. Well, we don't actually have you on our list. So if you could just deduce yourself as for with Oh, yeah,

17:30

for the record. So it's Christopher Alvarez, Greenland. So a L O V E s hyphen, Greenland. Like the countries. So

17:43

thank you very much. Sorry to hold you in the middle of of flow. But it's just important to get the formalities Correct. Maybe if you just stick with Mr. With with Mr. Gill B's client for we're sorry, no. Go on with what you were saying. Yeah,

18:06

so so so the plan that's on the screen was as I understand it, an evolution of aspiration. On behalf of sorry, Mrs. Limitless client. And although there is there is route on Mr. guildies client, I was going to focus on Miss Mrs. Littlest client and and obviously my colleague has indicated that were at the extreme west of the plan where it interacts with the A 131 It was an aspiration to use as I understand it, less productive land. And that's where you see a fair amount of deviation between the black line which is the the aspirational route and the orange line, which as you can see is within the order limits and is the route presented in the order materials. My colleagues already expressed the drainage concerns that that raises but I also wanted to raise the concern that we expect the two AIA ours which will be abnormal and indivisible loads carrying the 60 ton cable drums to arrive in Conway two at a time. And it's very important in interaction with a local hydro authority especially are the right turns that those are right in it as I say in Cornwall and clear the southbound lane as quick as possible, which is why before the the applicants route turns left following the field boundary of the beam, you can see the plowed field potentially there on the scale that we have on the screen that those can arrive nose to tail before they undertake a slow left turn and likewise for the for the right hand side they both need to be ready as they leave appeal to join carriageway join open carriageway under convoy and that needs to be done as quickly and as efficiently as practicable. So although the black route if it turns extremely tightly can avoid the the watercourse that runs along that field boundary that's too tight geometrically to do that under the safe operating conditions of two aiops arriving in court Oh boy.

20:06

Okay, thank you for that. Mr. Greenland. Can I miss Clinton? Is there anything you want to sweep up on before I returned to the affected parties representatives, Rebecca

20:18

clutton for the applicant? I just wondering if you want to look at the other plan, the G not plan, which was rep. 2055.

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That would certainly be helpful under just a few points of clarification that I wanted at the outset. And, Mr. Gilby, maybe you could help us with this. This, this plan is is on behalf of your client. Am I right in saying that? That's correct. Yes. Thank you, Mr. Gilby. So I just wanted to check is your preferred route that that is cross hatched in blue? That more or less coincides with the green line?

21:03

I think could it can just explain the the where this plan came from, if you like, and actually just address the previous plan as well, that was on the screen in relation to my clients land, because these plans and the approach that we've taken have, have evolved as the extent of what National Grid required in terms of the permanence and use of this right of way, the previous plan which showed coming along

the watercourse I taking a much tighter route and then coming along with the watercourse was seeking to minimize the impact of the of the route going in during the construction period. And I think the two things First of all, Mr. Greenland's comments about the overall length and to AIA ELLs coming in together, had that been information that our clients had had back then when when information was requested six months ago, that would have made would have helped us in discussions with our clients to explain why certain routes were not achievable. But if we now jump forward to August 2023. And to the plan that you have in front of you, the the preferred route of art for our client is as shown on there, the cross hatched area colored green, which actually goes between point A to see that where it kinks off there. And then on the right hand side of logins lane to point D, and across to E. The rationale for this was that a it minimize the impact on to substantial agricultural fields between points A and B. And also when it went from C to D, the land drainage in that field is all downside of that. So again, there would be no impact on land drainage. Following discussions that we had with the agent for the applicant, they advised us that it would not be possible to kink the route, which is where you see the bigger crosses crossing it out the green route to point C because that would mean going through the garden of a residential property, even though obviously it would straighten up the route. So we accepted that the route would need to go A to B, exiting from B at a point where there is an existing entrance into the field of the lane there. We also then sought in discussions with the applicant and their agents at point B, whether it would be possible to turn right to go to point C and then to D, we were advised that that wasn't going to be possible. And we then explored a further option to the north of the lane from point B, which curved the route back towards the road again to minimize impact to the drainage system. And ultimately that also was rejected. But the point about this is that when at the end of August, it became clear that the word there was the potential for future access being required across the land. And given that the two fields between A and B are so heavily drained. We then prefer our client put forward the proposition that the access route between A to B as now shown colored green, going around the boundary of the field should be installed and should be left in situ with suitable fencing and landscaping so that it will always be there. In time immemorial, and that would then minimize the long term impact on the farm. I think it's worth pointing out that although the terms being or the terms being put forward under the heads of terms, and the question of injurious affection are all to be negotiated and decided, our client's greater concern here is on the long term impact on the farm and his impact on on the use of these fields, be they for conservation measures, or for future environmental schemes, and with the level of potential permanence about the right of way. The route now chosen, as I say, as I said at the beginning, had this level of permanence and the requirement to come back be known from the outset, then the route that's now being proposed, would have been more heavily promoted. And had that happened. It is possible, I suppose that the DCO and its mission may have reflected these concerns, and they're likely long term impacts. Thank you.

26:12

Thank you, Mr. Gilby. Does the applicant want to come back on on those particular points, please.

26:22

And Rebecca clutton for the applicant. But yes, I mean, in terms of the beginning.

26:37

Rebecca, along with the applicant, the the difficulty, again, with the proposal that's reflected in this plan, is that we don't consider that it's appropriate from an environmental and high waist perspective. And again, I can ask Miss Rotherham and Mr. Alvin Screenland, to address you on the reasons why that is, then when they've done that, I will just come back and say a few words about drainage impacts. And also an a matar, asked Mr. Bell, who's the Senior surveyor with national national grid to address you on that too. And then I'll pick up at the end, just this point about the timing of the knowledge of these rights and any relevance that that might, that's okay,

27:23

that sounds like a good plan, Miss Clinton, some miss brother,

27:30

Valley brother on behalf of the applicant. Again, we have seen this route, we have had a good look at it. Obviously, it's a longer route than what is currently proposed. So would effect more festive, most versatile soils. When we move from Section A to B, it's actually routed south towards residential properties. It's not shown on here, but a number of which are also listed. The boundary that it follows is AFCEA. It's also a public right of way, which would need to be managed alongside and Holroyd would obviously require more landscape to be able to manage that within the field. And then moving on to sections B and C are obviously in the highway. And theta d is actually protected lane and it's protected for its characteristic beaches. And its heritage value. So they were key considerations in looking at this alternative route. But ultimately, in balancing all of the requirements were required to look at, it wasn't an acceptable route or a better alternative than what we put forward.

28:45

Thank you for that. Mr. Greenland. Before you make your submission. I know that Mr. McAvoy, my colleague has has a point has a question that he wants to pose to you that may actually be something that you can do a composite response response and submission to. So if you can bear with me too, we hear from Mr. McAvoy, please. Oh, that's that's fine.

29:06

Thank you. Of course. Thank you, Mr. Green. And it was a comment you made a few moments ago in relation to the feasibility of the alternative routes colored black, I think he made a comment in relation to abnormal indivisible loads not being able to use that suggested route. Can you explain how you establish that finding?

29:29

So as demonstrated that the vehicle that carries the 6060 tonne drum is of exceptional length and such that it needs a convoy and we're talking order of magnitude of just under 30 meters in length. And those as I say Doot doot is sort of not not areas of my knowledge, but the frequency of the vehicles and the safe operation of Convoy they would arrive two at a time. So I I'm to enable them to get off highway as quickly, those two vehicles to get off highway as quickly and with least disruption to the highway network as possible, then we're looking at circa 60 meters straight as a bit of holding area while the gate is closed, all things like that before slow movements occur because we don't want the tail end of the vehicle to be sticking out into the highway, but the road is still closed by the convoy, there's still

traffic management in place. So that's what's dictated that then 960 Excuse me, 60 meters of straight before tight alignments come into play?

30:41

To penal, thank you. So in terms of the finding, was that a professional judgment? Or did you do some sort of swept path analysis of the of those alternative routes? Did you do an engineering assessment? Or was it engineering judgment?

30:54

That so naturally is sort of a swept Mark path assessment? Does it take Chris average Greenland on behalf of the applicant that naturally we're talking about a straight movement here? So a swept path analysis doesn't need to be undertaken to establish the length of, of straight alignment prior to a turn being undertaken? The hopefully that answers the question.

31:18

So I was just looking at the two routes aren't shown on the plan displayed are presumed one had been subjected to an engineering analysis, which is the feasible route, and it's colored in black. I just was wondering whether a similar assessment Have you undertaken on that alternative route, proposed alternative route?

31:36

I'm Chris, I was Greenland on behalf of the app, and I'm not aware that a specific swept path analysis has been undertaken on this black route.

31:49

Like i Mr. Green, I'm sorry, I'm not and maybe there was something else I'm struggling.

31:54

I'm sorry. Christopher. I was Greenland on behalf of the applicant. I appreciate. Sorry, Mr. McAvoy, his question was essentially on behalf of the the plan not on the screen here, which is more related to Mr. Peter knots land if I'm correct. I have nothing further to add on. Mr. Jeffrey knots land. And I think my colleague covered everything we were going to say. Thank you.

32:15

Thank you, Mr. Green.

32:17

Sorry, for that matter. Rebecca clutton for the applicant. All I was going to say in response to Mr. macropores question was that if examining authority would find it of assistance to see a swept path analysis of that, then we will be happy to provide that.

32:34

I think that that would certainly be of assistance, Mrs. Clinton, thank you. Okay.

32:40

Rebecca climb for the applicant, I think then that leaves it with me to come back and pick up the points that I said I would do, first of all, the first is in relation to drainage and the impact on field drains. And what I wanted to emphasize in relation to that is that works in agricultural areas are very much the applicant's bread and butter. You know, many of the projects that it promotes for electricity transmission are running through agricultural areas, it is very frequent, that its projects have interactions with field drainage, very well used to dealing with them, it has very well established processes in place for ensuring that you know that any impacts on field drainage are addressed. So that's the first point I wanted to make the second point and therefore points orderly. Second point that I want to make is that these matters are covered in the heads of terms that have gone out to affected parties in such areas. And if it would assist you, I can ask Mr. Bell to just address you on that a little bit further. Thirdly, in any event, any impacts on any loss or damage that arises as a consequence of any impact on field drainage will be compensated will, in accordance with the compensation code as a matter of principle. And then fourthly, and finally, I've already indicated to you, in the earlier part of our conversation, that there are provisions, both within the DCO and also within the code of construction practices that provide for the reinstatement of land that's been subjected to temporary uses. So there's an additional layer of protection there as well. And hopefully that gives the examining authority some reassurance and indeed, the affected person some reassurance that any interactions with airfield drainage systems will be dealt with appropriately, and that any adverse impacts will be minimized and aware arise will be compensated.

34:34

Well, certainly. Thank you. Thank you, Miss Clinton, and I'm sure we'll hear from the affected parties on the last point in due course, there's just a point of clarification that would assist me. There was two plans submitted with Mrs. listeners. Last representation on behalf of Mr. Pater not yes, and in addition to To the plug on the back, I don't think we need to see them at the minute. But in addition to the plan that suggested an alternative route, there were from memory for plans that showed existing drainage layouts, the drainage system on on her clients land, can you just advise whether those whether whether the applicant had sight or knowledge of those at the design stage, and whether they have been taken into account?

35:50

Rebecca Klein for the applicant, thank you for that, madam, we're not aware of having had sight of those particular plans at the time at that point design. However, what I would say is that we were aware that it was the we were designing a temporary access road in an agricultural field, we would have expected those fields to have drainage systems within them, as I say that is commonplace across national grid projects all over the country. And so it would be expected that there would be interaction with field drainage systems. Again, I say we look to minimize that. But it is anticipated that those impacts will arise.

36:33

Thank you for that. Did you want to do Mr. Bell want to make a contribution before I cross back to the affected parties?

36:53

Madam Yes, I think Mr. Mr. Bell can just say something about drainage. And I also understand Miss Rotherham can give you some indication about what's said about drainage in the code of construction practice as well which might be of assistance. I'll allow them to determine in which order they go between themselves.

37:09

Fairly rather, I'm on behalf of the applicant. And I just wanted to provide some reassurance that within our construction, environmental management and our code construction practice, we do address drainage, both in terms of preconstruction drainage for surface water runoff and water protection but also in terms of reinstating that drainage that might be affected, and the use of a specialist drainage contractor to work alongside the landowners. So we do make provisions and commitments in there to maintain drainage and reinstate drainage post construction.

37:41

Okay, thank you, Mr. Holder, Mr. Bale?

37:47

Matthew, well for the applicant. Since we initially sent our heads terms off to both parties, there have been significant improvements made on the drainage terms offered on a specific covenants whereby we we covenant to take into account our own code of practice on land and instruct a drainage consultant to provide pre construction and post completion remedial grant plans. The construction area impacted by the works will be restored recondition Norwest unrecorded, the pre construction drainage assessment.

38:33

If new land drainage, drainage cannot be provided, or the grantees are able to reinstate, and under the same standard, that grant will be compensated in accordance with the compensation code. And we do make a made an offer of a contribution towards the grantees professional costs of assessing our designs.

38:53

Thank you, Mr. Bell, just for the absolute avoidance of doubt on my behalf because obviously, the affected parties are well versed with the situation. Have they had sight of that as part of the the heads of terms that are with them at present? Or is this something that you're going to offer to them after today? This

39:15

this is part of the heads of terms that are currently with them. Thank

39:19

you for that helpful clarification. is cutting unless there's anything else that the team wants to wrap up on the stage, I'd like to head back to the affected parties.

39:29

Yes, recognition for the applicant. Madam, there's just that one point that I said I'd indicate I deal with which was just about the timing of the change. Just for your information. Really. You'll be aware from what Miss Rotherham said that during the statutory consultation. The anticipation was that we would only need temporary possession of Islam because we didn't have a temporary access route proposed at that stage. And it was obviously in response to feedback at that consultation that we developed our proposals for an offline temporary access route. See, what I have been able to identify as that that particular point about the fact that a temporary access route plus permanent rights of access for operation will be required, was addressed in the September 22. Targeted consultation. It's page 21 of that document, we haven't been able to find, whether it's actually in the examination library and appended to a consultation report. But if it's not, we can certainly make sure that that document is before the examining authority will just submit a copy at the at the next step. Okay,

40:35

thank you for that. Mr. Gill, beyond or Mrs. littler. We've heard a lot of information there from the applicant, some of which may be new to you. But I'd certainly like to hear anything that you have to say by way of response.

40:55

By thank you for that opportunity. My key point about this is really the long term impact on the two large arable fields owned by my client, Mr. GVS, not I accept fully the point made by the applicants representative that their client regularly comes into an interaction with land drainage. And the heads of terms I would further acknowledge now represent in terms of the reference to the remediation of drainage within that the last nine months of discussions backwards and forwards with National Grid's agent. But what I am struggling with is still really an explanation as to why as part of the consultation process, the requirement or the implication, I should say probably, of the permanence of the right of way, was not highlighted at an earlier stage. Or, and as a result of that, why the alternative route that and approach that we are now or my client is now proposing to go around the two large arable fields has been dismissed, I accept it's a longer route. I accept further that yes, it will move the route marginally closer to some private houses, some of which are listed. But at the same time, it will actually diminish the overall impact because we're only talking about putting the route in rather than subsequently having to reinstate the land. The other point I would make is that whilst law Kings Lane is a protected lane, for clarity, between points C and D on the plan, the proposal was that the alternative route be located within my clients and land to the eastern side of law Kings Lane, and that it was not looking to lane itself that would need to be upgraded to undertake the work. So far as the planning inspectorate is concerned, my client's concern remains fundamentally that the impact of the right of way over the two large arable fields could be mitigated by going around the boundary of the fields. And that there would also be long term cost savings to National Grid resulting from that. I know that Mrs. littler has a couple of points to make. And I'll pass you over to her.

43:56

Thank you, Mr. Silva, Peter, not just for the point of clarity, I've just looked back and I can see that I sent drainage plans on the 15th of March to National Grid agents and those should have been received when in advance of the DCO being submitted. Thank you.

44:13

Okay. Thank you for that Mrs. littler? Miss cotton, I'm certainly not going to preempt anything that yourself or your team have to say. I think we're not certainly not going to reconcile the differences between the parties today. And several of the points that Mr. Gilby have raised have already, not just in front of us in front of the examination, but have already been raised today. He's obviously unhappy that you don't agree with them. But if there is anything else that you want to say in response, I'd certainly welcome up.

44:54

Rebecca cotton to the applicant. Thank you, madam. What we were wondering is if the most efficient way of dealing with This might be to do a short appendix or similar an update to the technical note that was presented at the last deadline that deals specifically with these alternatives. Obviously, we dealt with the options at a, you know, online offline hybrid level within that technical note, but if it would assist the authority to assist the examining authorities to have in one place definitively our position on the alternatives that are proposed by the representatives for the not only then we will be happy to do that.

45:36

I certainly miss Clinton would find that useful, I find great utility in the analysis, the information you provide in the analysis that you give all the more, shall I say strategic route options in that last submission. Where it was deficient, was in consideration of the more site specific variations that the affected parties are pursuing. So certainly, rather than asking them to respond on the hoof, as it were, that that would certainly be a useful addition to the examination library.

46:20

will will will make sure that that is provided. And thank

46:24

you that that would be of assistance. Is there anything else that you want to say on the subject? Mr. Gilby? Mrs. littler? As I say, I think that would be be useful to have that additional information. Is, is there anything else? Mr. Gilby? I mean, your your concerns are on the record, both in writing and verbally. We're not going to reach reconciliation today. Without in mind, is there anything you want out? I have a few more questions to ask about the road to but I'd like just to draw a line onto this, if I may.

47:02

I would thank you for requesting that additional information, both Mrs. littler and I concur, and would appreciate receipt of that information. The only additional comment which I really have to make, which I would ask the examining authority to consider is whether they consider ultimately at the end of the day, that the DCA the purpose of the DCO as a class for right is appropriate. And whether taking a longer term view, the applicant could utilize the road network, or alternatively, look for an alternative requirements if they do have to return in 25 or 30 years time, is it strictly necessary for them to compulsory acquire such a permanent ride, as opposed to simply a temporary right, for the construction of the whole road during the construction phase? Thank you. Thank

48:03

you, Mr. Gilby. To the best of my recollection, there was a question in the first written questions that that dealt with the appropriateness of the class of rights that were sought. And there are various bits of information in various documents that I think do address your points. But for myself, in addition to you, it would certainly be useful to have them in some composite form where we can easily reference them. So I would echo your sentiments as regards putting them into the submission. So thank you for that. Skeleton, there were a couple of more points before I moved on to other affected parties. The two affected parties here had raised concerns about soil handling, storage management and reinstatement. And are such details available at present? Or are they as with we've heard with with so many similar site specific concerns, are they contingent upon the appointment of a contractor,

49:25

Rebecca Clutton for the applicant, Madam, I'm going to pass over to Miss Rotherham to deal with that point.

49:29

Thank you, Sally was remember half of the applicant. Within our construction financial management plan, we have a section on soils and that is, to the same degree as a separate soil management plan would be it's got everything in there you'd expect it to have. We also have the code of construction practice which makes commitments with regard to soil handling. We have commenced soil surveys, and that's not to inform likely significant effects but more to inform soil handling. So we've done about 40% didn't have the temporary access route. And that had just to be aborted because of some agricultural operations were going on, we're in accordance with the Rams. But we would like to continue with that. It wouldn't change the assessment because we have assumed worst case that it's most best or most versatile. But it would help inform those sort of handling when it comes to reinstatement and also to have a record of condition for the landowner as well. So, we have got lots of information on soils and sort of handling within the construction environmental management plan. And we've, rather than do a separate soil management plan, we've kept it all together, because we feel we're usable for the contractor to all be in one place. But everything you would expect to see in a separate soil management plan is within that that construction environmental management plan. Okay,

50:46

that's, that's useful just to for the benefit of the affected parties to have that signpost to that reference point. So thank you for that. Mr. Gilby. Mrs. Little? Was there anything that you wanted to further that you wanted to query on the the subject of my question?

51:10

No, we're both happy with that question. And the answer received, thank you.

51:14

Okay, thanks very much for that confirmation. I wanted to ask about, it was a concern that came out of one that if not both of the affected parties, written representations. And that's how we'll use of the whole road be controlled, so that it's not used as a right of way by pedestrians and vehicles not involved in

construction. So that somebody on their quad bike or their motorbike or a pedestrian etc, can't just wander through it.

51:53

Rebecca climb for the applicant. That's one for Mr. field. And I'm just gonna ask him to thank you approach of microphone. Thank you.

52:03

Roberto on behalf National Grid. Obviously, subject to remote contractor and detailed design, our proposals at present would be on this particular location, the security of the A 131 and security guard controlling that, and then a subsequent gate system along the route to the staff ally westquay, we'll see net income and

52:30

Mr. fields that might might be a case of musical chairs yet yet again to another member of the team. But would there be any such control mechanism within the SAM or the code of construction practice that can then be secured through requirements for of the draft development consent order, just to give the affected parties a measure of reassurance

52:55

by the applicant that will be for Miss Rotherham if she knows the answer off the top of their head? If not, we'll we'll find out the AMI for you and come back. Yeah,

53:02

Sally, welcome on behalf of the applicant, I will just have to double check that but I think there is measures in there about security, but I can pull up the accurate wording for you. Okay,

53:11

that would certainly be helpful. And I'm sure it's something that the affected parties will look out for in your written note of today's proceedings. Just one final question on this facet of the proposed development before I move on, and that's in respect of Mr. GVS, not in the applicants compulsory acquisition and temporary possession. Objection shedule. That was submitted deadline three, and that's rep 3042. The applicant said I will continue to seek a voluntary agreement with Mr. GVS not. But it's not confident of its conclusion before the end of the examination. Obviously, leaving aside the matter of compensation and the issues already discussed today. Is there. Where does the applicant stand at present? Or is there anything else that they wanted to put in front of the examination?

54:20

Rebecca Clark and the applicant? I'll ask Mr. Bell to address you on that. Hey, thank you.

54:26

Matthew Abell applicant, I think at that point in time and with with the the issues that have been raised quite extensively today, I think it's quite unrealistic for us to at this point, come to an agreement but you know, it is in our interest and we do want to promote a voluntary agreement. So when we can look at

what we're looking at all of the issues and we investigated that the situation may very well change Beyond our confidence, otherwise mere mere mere to blew the whistle. We are confident. But I think it's the sort of work in progress.

55:11

Yes. And Mr. Gilby? If I can, I can just finally hear from yourself. Given that you've heard what the applicant has said about where negotiations currently stand, and the additional information that we're going to have submitted into the examination, and the discussion that we've had this morning, is there anything that the applicant could do that would progress negotiations between you that you want to put on the table today?

55:43

No, we have very recent or I have very recently received through from the applicants land agent updated heads of terms, which came in middle to back end of last week. And I unfortunately was away the two preceding days to this. But I am due to go through those heads of terms today. And I am due to see my client and his family on Friday, to both report back on today's proceedings, the points that have come out of today's proceedings, and to go through the heads of terms again with them, and to seek their further instructions. So on the one hand, whilst I note that the applicant doesn't feel particularly confident at this moment in time, I remain of the view that it is best. And the advice that I will be giving to my client is that ultimately, we would be in a better place. If we can get agreed heads of terms. It's just that I think it would be realistic of us to say that we've been back through these heads of terms three or four times now. And we have made progress. That would be absolutely true. But also, we've seen sections of these heads of terms that we had thought we had agreed Mrs. Leffler, would you agree that we agreed, then struck out again. So I haven't yet had the chance to go through the latest iteration of these heads of terms. But we remain keen, what I certainly will be recommending to my clients that we look to try to reach agreement on. Thank you.

57:24

Thank you, Mr. kilobyte. That's certainly very welcome and put on a very positive place to draw a line under the discussion on that particular element of the scheme for now. So thank you. And I hope that we have an update in due course. That concludes the questions that I wanted to ask on agenda item four. So unless that either any of my colleagues or any other party has any submission to make, I think we've given it a fairly good airing. So I'm going to move on to Agenda Item five, I had a number of site specific matters for the applicant arising from representations. One, one special one was from an additional submission from Mr. Francis Prosser, that was a s. W. 08. That was submitted last week. I know Mr. Prosser couldn't join us today, but certainly will be watching the recording at the very least. So I want to give him the reassurance I did have quite a lengthy list of points that I wanted to clarify with you and to better understand the nature of his concerns. But because they are lengthy and we have quite a bit to get through still today, I just want to give reassurance that I will put those into the second set of written questions by which time it will have given the applicant hopefully more of an opportunity to consider them as well. So I'm actually going to, I don't have anything because of the reason of time management that I want to ask on agenda item five today, unless there's a point that anybody else wants to bring up. Thank you, I think is an appropriate juncture Miss Clinton, you made the helpful offer earlier of updating us on where you stand more generally, with negotiations on compulsory acquisition

on temporary possession. Unless to say rather than delve into the specifics of two particular parties, it would be useful to get that overview. So I'll hand over to you for that, please.

1:00:08

Thank you, Matt and Rebecca Clutton for the applicant. Yes, madam. In the statement of reasons, we set up a position that we had offered terms to six parties, freehold acquisitions of the land required for the cable sealing and compounds, and also that we completed the purchase of the land for the GSP substations that dealt with freehold in relation to REITs. At that time, heads of terms had been offered to all 113 parties. And we provided at that time, again, Appendix B to the statement, which set out the status of negotiations. The update that I have for you on that is that we now have a set of the instructions off the heads of terms went out, they've now set in 17, that have been signed, we have 11, that are now with the CLP as active instructions. And so there's an expectation also, from the lands team that further heads of terms are likely to be signed and returned on an on a kind of rolling basis. Now going forward, there are a number that are substantively agreed and awaiting clients sign off from affected persons. So we're, we're good progress is being made. We don't regard this as being an atypical position in terms of the level of agreement that's reached at this stage. And we're hopeful that that a good number more should have come in by the end of examination.

1:01:45

Thank you, Miss Clinton. Again, that's that's heartening to hear that, that there, hopefully will be voluntary agreement in many of the cases. So thank you for that. So I'll move on then to agenda item six, which is statutory undertakers. I did have, as I know, that pivoted part are observing. And I did have a few questions. Because I felt that East Anglia, three, we're going to be here today. So I think I'll maybe just get an update on some of these. pivoted power had helpfully confirmed in its sub in its response to the first set of written questions in its submission, Rep. 3075, that it's legal and chests have been correctly recorded in the Book of reference, and that the applicant had correctly reported on its negotiations between the parties. Is there any submission or update for the examination on foot of the overview that was given in the applicants compulsory acquisition and temporary possession? Objection schedule submitted a deadline three as rep 304. To all be at that I'm obviously very aware it was fairly recent. But just with with Mr. Silk in attendance, it's if there was anything to add, it would be an appropriate juncture to hear it.

1:03:41

So Rebecca Klassen for the applicant. And I think what I'm going to just do is pass you over to Mr. Bevin, who you'll you've met previously as the Senior Project Manager for the applicant and Mr. Bevin can just give you an update and some, some further reassurance that we are making the progress that we hoped we would make.

1:04:01

Jonathan on behalf of the applicant. So as you say, we we've made good progress with pivot power and this is in relation to the interface on the access point to the existing Branford substation, and the access point required for EDF pivot powers, solar and battery works in a similar location. So it's all about shared access, essentially. So progress has been good, I think in the recent update, refer to heads of terms are agreed. And we have recently shared a draft full agreement. We've We've now had

comments back from Pippa power on there. So we're just working through through those comments, but I think we're we're pretty confident that we'll find resolution, certainly by the end of the examination, and hopefully before that

1:04:59

Thank you, Mr. Bevin I know that Mr. Silk said he was only observing. I don't see his hand up that he's changed his mind on that. So I'll take that. I'll just accept that that helpful update and move on from considering that particular strategy Undertaker. I think just reviewing my questions that I had for East Anglia three had they been in attendance, I can actually understand why they didn't attend today because it seems to be that things are progressing progressing. Dara you use the words fairly smoothly between the two parties. So I think I can probably pass over that, unless you've you've anything that you particularly want to add a party that isn't present today, that there seem to be from from looking at the respective positions, there seemed to be more of a gulf than one of the parties indicated. And that was with cabinet gas, their written representation that deadline to which was rep 2020, it's suggested that there was quite a disparity between themselves and the applicant in terms of agreeing protective provisions. Whereas without reading it out here in your various submissions. From deadline, one onwards, your reporting of the relationship has been slightly more optimistic uncertainly. The two just didn't seem to sit very well from the point of view of resolving outstanding matters. So I wonder, is there anything that you want to say in respect of that particular line of engagement

1:07:12

John Bevan on behalf of the applicant. Um, so once again, it's probably fair to say and I think picked, it picked it up that we're less progress with Caden than others, for example, paper power. But that doesn't mean we're not making good progress on these issues. So it's probably worth pointing out that protective provisions for the benefit of gas, water sewerage, and electricity Undertaker's are included, obviously, in the draft tournament consent order, as currently drafted. They're what I think referred to kind of as standard or boilerplate type protective provisions, subsequent discussions with Caden, obviously, we've been working through what the technical interfaces generally, there's no need to dive their assets or anything like that. It's more about protecting gas pipelines in situ. So that's kind of the technical interface that we've been working, working through in relation to protect provisions. And we now have received cadence preferred version of protective provisions, which we're working our way through. And I think, and and we've also been discussing a separate commercial site agreement that kind of dovetails with those protective provisions. So there's kind of two things under discussion at the moment. But I think our general view at the moment is that there's nothing kind of insoluble and that we're working through those. And you know, that, obviously, we've got to go through a process and make sure both parties are comfortable with the kind of position we get into, but I think where we anticipate it will end up is that we'll have bespoke protective provisions for the benefit of Kayden on the face of the order and some kind of commercial agreement in the background. And I think I think I think we're comfortable that we will reach resolution on those by the end of the examination. There's stuff to work through, certainly, but there's nothing that we're seeing that you know, can't be resolved at the current time and clearly will update accordingly if that's not the case.

1:09:23

Mr. Bevin, thank you again, that's that that's very positive. I had there was a similar dichotomy that appeared out of the national sorry, the network rail infrastructure, limited their various submissions with again without reading light with references, etc. And you're update on where you stand. I know that you haven't progressed as far as a statement of common ground but there's admission at deadline to which was wrapped to zero 20. Yet, the scope of its concerns and the language used, again appears to cast some doubt on your optimism that you're working towards the statement of common ground and the matters can be resolved in a timely manner. So just a similar update on that will be useful. Thank you.

1:10:22

John Bevan on behalf of the applicant. So yeah, I think it's fair to say this is probably the one that we're least confident on resolution before the end of the examination be completely blunt. But that's not to say there hasn't been good progress. We've, we've, we've been obviously working a number of kinds of different interactions from from a kind of technical and engineering interface perspective, from our protective provisions. And as you mentioned, statement, a common ground obviously, we document where we are. That's not to say every matter will be agreed, obviously, in the statement of common ground, but we are we are seeking to, to agree a position between us. In terms of protective provisions, it's worth noting on the face of the order, and we already have protective provisions for the for the benefit of Network Rail, that's scheduled 14 part for the draft DCO. They are obviously our our protective provisions. Net, we're working with Network Rail, hopefully agree some mutually agreed to protective provisions. But we'll continue that work and clearly update the examination accordingly. But I think, as I started off, this is probably one where we're hopeful of resolution, but probably less confident some of those others that we've already discussed.

1:11:47

Thank you. Mr. Bevin, certainly your your your frankness, is is appreciated as I was right then and picking up that that tension between the party so thank you,

1:11:58

Rebecca, for the outcome. Madam, if I can just add that I'm told that only this morning there's been some further engagement with the solicitors or network round in relation to the socg. So matters are at least under discussion. Moving on. Again,

1:12:16

thank thank you that that's useful and heartening to hear. That was the questions that I wanted to ask under agenda item seven, unless that any of the of my colleagues or the other parties have anything to ask sorry, Miss club. Oh, it shows that it's time for a lunch break. I stand corrected. Thank you very much for I would say for sparing my blushes. But that's not quite the case. So agenda items seven to nine inclusive. They were human rights, consideration of duties under the equalities act 2010. And funding. I included them on the agenda in case anything arose from the answers to the first set of written questions that the examining authority wanted to raise with the parties in this forum. There was so at this stage, I think we're still absorbing the associated evidence submitted a deadline three. And at present, there's there's nothing that we want to pursue today. Is there anything that any other parties want to raise in respect of any of agenda items, seven, eight or nine at this stage? Thank you. So they're still under active consideration. And if anything arises, we'll we'll pursue it at any subsequent

compulsory acquisition hearing or in the next set of written questions. So that brings me on, I'm loath to put an agenda item number on it, I think Agenda Item Number 10, which is any other business. I don't have any other matters that have been notified to meet under this agenda item that people wish to raise at the meeting. So I'll just ask by way of a final sweep. Are there any items that anyone wants to bring up? Other than what we've already discussed today? I don't see any indication, can I ask if any of my colleagues have any items. Thank you. Thanks very much for your assistance. In that case, I'll hand over to Mr. Mallen to bring the meeting towards the close.

1:14:45

Thank you. Before that, I'm just going to run briefly through the list of actions I've taken if I may. There's only a few so I'll do it now rather than publish them post meeting. And this is the point where I realized that I can't read my handwriting anymore, and should have made them on the laptop, but very roughly. First one was a follow up with with further details, they're all for the applicant follow up with further detail on the notice periods, which would be given for use of the a 131 haul road if it was needed to be repeated. And I think the key was the difference there between the voluntary approach and the DIS da proach. A second one is to check back on the targeted consultation that was undertaken for the A one through one access route to find out whether that doctor relevant document was in the examination library. And if not submit it. I've combined two action points here. For the third one, it was an appendix to the technical note to deal with the alternative routes across the two not farms. But if you could include in that they offered to look at the swept path analysis of the alternative ballroom Hall road routes as well, that will be very useful to us. And my final one is how the security measures for the A one for the whole route off the a 131 to prevent an unauthorized access would be secured. Did I miss any?

1:16:21

They are called entirely with my notes as well. So so thank you for that.

1:16:26

Is there anything else anybody wants to raise under this review of actions? In which case I'm going to move on and move us on to agenda item 12. Can I remind everybody that deadline for falls on the 16th of November 2023. And those people that have spoken today, please can you ensure that any written summaries of your oral submissions reached the examining authority by that date? Finally, can I on behalf of the examining authority thank everybody who's contributed today. Your attendance has been very helpful and very much appreciated. The time is 1245 and the compulsory acquisition hearing is now closed.