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00:12

All right. Welcome back, everyone. Trust you're suitably refreshed and ready to start the next session, which is in relation to part three of the draft development consent order.

00:25

So, turning to question 3.8, which is hopefully on the agenda on your screens,

00:33

please could the applicant explain the respective position in respect of the powers in relation to the new roads streetworks act 1991. And their application to the proposed development in terms of highway land and sub soil? Is there a need in relation to the NRSWA and its scope to seek to acquire sub soil to Highway in order to facilitate the laying of the onshore cables, Mr. Jarvis?

01:04

Mr. Jarvis on behalf of the applicant

01:06

insofar as the cables are laid within the vertical plane that forms the highway, the new roads and streetworks that will be applicable, there is no need to acquire rights over that land in order to lay the cables in that land. And that land has been specifically excluded from the book of reference and updates that were made that deadline for from memory.

01:27

Thank you very much. And does any other party have any particular comments on that?

01:37

No, I'm not. Oh, Mr. Turney.

01:45

Sir. Richard Turney for Hampshire County Council. We've made comment on this

01:54

in the context of the wider issue about sub soil issues, but it may be that that's something that can await the discussion in tomorrow's agenda item.

02:07

Okay, it's entirely possible that we can discuss it tomorrow, the compulsory acquisition hearing,

02:16

in which case I don't, is there anything else? Mr. Turney or Mr. Jarvis?

02:24

Thank you. Okay.

02:28

Moving on, then you have already sort of touched on the answer to question 3.9. There in relation to the book of reference, then, nonetheless, I'll just ask you in relation to that question. I'll ask the question and just asked you to confirm the position.

02:45

How did the DCO and the book of reference limit the rights that can be acquired in the highway in this context please, for the applicant explain for the highways identified for compulsory acquisition of new connection works rights on the lands plans, such as plot 405 was a proposed development would be laid in the vertical plane of the highway, but no rights sought with the book of reference.

03:09

Thanks so Martin Jarvis on behalf of the applicant so in relation to each plot, which is highway which is in the book of reference, there is specific wording that confirms the interests of the Highway Authority that existed in them in that capacity are excluded from the book of reference, and therefore are not subject to the compulsory acquisition powers. It is however, still necessary to identify that land as being subject to new connection works right on the land plans, such that in the event that the cables are required to be buried at such a depth that they are below the land, which forms the highway, that the applicant would be able to acquire the necessary rights and restrictions so that they would not be impeded from constructing and operating the development in that lower level of land.

03:56

Thank you very much. Notwithstanding that, we'll probably discuss this in the compulsory acquisition hearing. Does anyone wish to make any comments on that at this time?

04:10

Okay.

04:11

Miss Colquhoun? Sorry, so I'm slow to slow to raise my hand.

04:17

This is simply for clarification the if I've understand what Mr. Jarvis said was that the sole reason to identify highways land, as I will call it in very general terms, is in order to allow for access through that highways land to the sub soil, which is not highways land.

04:47

So, there's a there's a there's a delineation as we've been discussing on paper between where the highways land interest or the highways authorities interest and

05:00

Sub soil, which is owned by other parties begins. So just to reiterate, the point being made is, is that

05:11

the only reason to identify highways land is in order to get access to the sub zone.

05:21

Okay, point unstirred. Mr. Jarvis no response?

05:27

Yes, I'm not entirely sure that that summary is correct. And so, the highways land is identified because the cables may well be located in the highway. That's why they're included in the order limit. For the purposes of the plot being identified in the book of reference. It's such that if you are installing into depth, which is below the highway, you can acquire the rights to do so. But insofar as you're excavating through the highway, you would still be relying on new roads and streetworks back powered for that installation.

05:58

Okay, that's understood. My senior colleague, Mr. Roscoe may have a question for you.

06:05

Mr. Jarvis, I can understand what you have just said. I just really wanted to make sure that that understanding was the same on Portsmouth side Miss Colquhoun.

06:23

I, I think so sorry, I was trying to listen to, but I will, but I'm getting a nod from the call.

06:33

So that's just fine. Thank you very much. If there's anything else I've misunderstood, then we'll obviously clarify in paper. Thank you. I just wanted to make sure that we all knew what our relative positions were at the end of this particular item. Thank you.

06:48

Thank you very much. We'll move on then to question three point 10. on the agenda. Now, we are aware that deadline five and then a revised version of the draft DCO. That the position in respect of the permit schemes for Portsmouth city council and Hampshire County Council has moved on, and that there is a new article, Article nine included in the DCO.

07:17

In relation to the application then, of the permit schemes, just one if the applicant just provided an update as to how that has come about and what the current positions, as I understand it are with respect to all parties, Mr. Jarvis.

07:34

So, Mr. Jarvis on behalf of the applicant.

07:37

So, the key thing that the applicant was seeking to achieve here was to ensure that the mitigations that are provided for by the framework traffic management strategy are clickable, and that the development can be carried out in accordance with those mitigations. And as you will likely be aware, many of those mitigations relate to programme constraints on when work can and cannot be undertaken on certain parts of the highway. And that's essentially to limit works at times where it wouldn't be appropriate to carry those works out. For instance, a good example is what Mr. Bird explained on Monday evening that you can't carry out works in close proximity to schools safer outside of term time.

08:16

The intention was not to supply the permit schemes because of the way the scheme works and how it would not align with the framework traffic management strategy. However, listening to the comments from the other parties, principally Hampshire County Council, and city council, we have provided an article which applies the permit scheme, but then also explains how the framework traffic management strategy applies in relation to them. And essentially, the key elements of that are that provisional, advanced authorizations can be attained, which set out when works may be undertaken on parts of the highway. That's important because that then allows the applicant to have a prior in principle approval such that it can plan the works and bring forward the detailed traffic management strategies for those works to obtain approval before they're carried out. And then once they're approved, they will apply for a permit to carry out the work on that part of the highway. And that permit will be granted such that it does not conflict with the framework traffic management strategy. So, what we're trying to do is just to ensure that everything is consistent as approved, and allows the work to be undertaken without impediment

09:18

in relation to an update on the drafting of that article. I think I'm correct in saying that, that is broadly if not wholly agreed. Now with Hampshire County Council. There was some further correspondence on that this morning, clarifying a few points. And there's one further point to look at in relation to minor works, that in general, the principles of what's being provided are approved and there's only been some minor comments on the wording. The wording has also been provided to port and city council and the purposes for it have been discussed with them in various meetings between the applicant team and Portsmouth City Council. We haven't had any specific comments on the wording to date. But I do understand from our discussions that the principles is that

10:00

Are agreed and I don't see any impediment to reaching agreement on the wording with ports and city council. Also, in that regard, what I would note is that there's only one article and it will need to apply

equally to both highway authorities. So, the applicant would of course, be grateful if a joint position can be agreed in that respect. But again, I expect that if one of the highway authorities is contempt with the wordings the other will be also.

10:22

Excellent. Okay. Thank you very much for that. Last the highways authorities in turn if they have comments on that, I'll start with Mr. Turney.

10:32

Do you have any views on that at this time?

10:35

Thank you, sir. Richard Turney, for Hampshire County Council. We're grateful for the concession by the applicant on this point. And certainly, it's narrowed the scope of the dispute. There are a few detail points of wording as Mr. Jarvis rightly points out, I think there were still emails going backwards and forwards just before we started. So, we'll come back in detail on that. But it looks as though where we're almost there. Mr. Jarvis, at the end suggested that if one highways authority agrees the other highways authority agrees, that's of course not right. Each IRA's authority will take their own advice and take their own position on it. We will and have done

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seek to cooperate with each other. But I think just so we don't set off on that line of argument just because we've said we're

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content in principle with the approach and we've got some detail wording, it doesn't mean that Portsmouth also our, but I think we can take it all offline now. And hopefully come back with an agreed position on the wording for the incorporation the permit scheme within the next few weeks. Excellent. Thank you very much. Miss Colquhoun.

11:47

Thank you, sir. And I'm grateful to Mr. Turney for allowing us to speak during

11:52

the so I'm told that that's going there's going to be a meeting on the 22nd of December with the applicant to look at highways matters generally. And this will obviously be on the agenda.

12:05

Clearly, Portsmouth also welcomes the fact that this is there's been this concession. But

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as of this moment, I cannot give you any detailed response to it. And it wouldn't be helpful if we did, but we will certainly continue to look at the wording and make sure that that

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that what that where possible, that that we can all align. So clearly, we will also take into part at any fellow highway authorities views as well.

12:35

Excellent. Thank you very much. And that certainly sounds like something that can progress offline outside of the hearings. And we can expect a revised article potentially future deadline. And Mr. Jarvis, any final comments on this?

12:50

Only insofar as to confirm that I wasn't suggesting that if Hampshire have agreed it Portsmouth have also agreed that it was more so just to flag that there is only one article and we do need to reach to an agreement. But it does sound as though we're working towards that which is very positive.

13:03

Excellent. Thank you. I just have one sort of supplementary question. And as a result of including this, this article, are there likely to be consequential changes to either the framework train transport management strategy or the construction traffic management plan, or any other sort of documents contributing into highways matters?

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So, Martin Jarvis on behalf of the applicant. No, there are not expected to be changes to those documents as a consequence of the inclusion of this article. The article is worded such that those documents apply through it, but it should not need amendment in relation to them.

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Thank you very much.

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We'll move on then to question three point 11.

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Please can the applicant advise the draft development consent order or replace the statute?

14:01

in relation to the acquisition of rights in highway sub soil?

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Mr. Jarvis. Mr. Jarvis on behalf of the applicant so yes, in the event that the draft development consent order is granted and the applicant exercise ability to acquire rights in the service of a hive district to Article 23 scheduled nine applies in relation to compensation.

14:23

Okay, is Does anyone have any comments on that?

14:29

Not I see none. I have no supplementary questions on that. So we move on to question three point 12 trust you can still hear me

14:42

in relation to articles 1011 and 41. How would the street entry works beyond the order limits be enacted or controlled? Would this involve powers for many different consent order? And if so, are there any made government consent orders from which precedent can be

15:00

derive for the powers sought, specifically in relation to Article 41. How would this work in practice both within and outside the order limits the spectre of replacement landscaping or compensation? Mr. Jarvis.

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Thank you so Mr. Jarvis on behalf of the applicant so precedent is provided for the street and tree works beyond the order limits in the Southampton to London pipeline DCO. Another linear scheme, whilst for a gas pipeline rather than electrical cable reasonably similar

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in terms of controls over the works carried out pursuant to the relevant cost calls. In relation to Article 10. Article 10 three which relates to street books provides that the powers conferred by Article 10 one must not be exercised without the approval of the relevant street authority, that would be the principle control. Furthermore, Article 10 one by virtue of its formulation contains a test of necessity, providing that the undertaking may only exercise that power for the purpose of constructing and maintaining the authorized development. It is also of course, relevant that detailed design approval will be sought for all of the works and any consequential amendments to highway outside of the order limits will be confirmed through that process. And this is also a matter that will be addressed to the traffic management strategy. So there are adequate controls, in our view included in respect to that article, where those works are undertaken.

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And then if we focus on trees in Article 41

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relation to that article, again, the power provided by the article is tempered by the requirements in relation to it and in particular, requirements 16, which requires construction environment management plans to be approved within the construction environment management plans as a process for the production of agricultural method statements, which follows the British Standard and is concerned to do so before any works to remove any trees could be undertaken, the appropriate agricultural method statements would have to be produced and agreed to confirm the work that are to be undertaken. And in addition, those works are with consent again. So, from our perspective, there are adequate controls, including in relation to the operation of the powers provided for by those articles.

17:18

Thank you very much. And just quickly in terms of the precedent DCO is referred to and is there any known deviation in the wording of those articles from the made orders to the actual end order? And if so, what are the reasons for this place?

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I would need to double check, but I do not think there is any deviation between the two in terms of their application of works beyond the order limit.

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But I will confirm in writing at deadline six that point.

17:50

Thank you very much. And, Mr. Turney, your hand is up and quite opportune. Actually, as I have a point for you, obviously, I believe you are at the hearings for the Southampton to London pipeline on behalf of Hampshire County counts. So, do you have any comments arising on those articles? And in general, regarding these articles in the Aquind DCO?

18:15

Well, I say Richard Turney, for Hampshire County Council just to note at the outset, I was at those hearings, but not for Hampshire County Council but for collection of the borrower and district councils that were affected there and for the South downs National Park Authority. So just to be clear, it was for a different client. And I'd also add that I don't have a very good memory for cases which are finished. So, don't rely on me on the point. But I think from Hampshire County Council's perspective in in this case,

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the provisions are understood and the precedent that's relied on is understood in terms of articles 10 and 11 in respective prefunding. I think we want to revisit the question about whether tree felling, locking outside of order limits is a matter which is the subject of precedent, but I think Mr. Jarvis is going to do that revisit that question as well. And the issue that we have here is really the missing component and we'll probably come back to it again today. missing component is

19:23

a process equivalent to Section 278 of the highways act or section 278 itself to ensure that

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Firstly, there is appropriate measures in place to ensure that the work is completed to a satisfactory standard that there is an indemnity and respective works to the highway. And therefore, the approval that's given for those works outside water limits is a matter which can have some can have some teeth

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and

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it's

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In terms of

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trees, I think there are some outstanding issues between us and the applicants in terms of replacement of trees and the need to ensure that replacement is provided and that it not appropriate compensation is provided. Again, I think that is the subject of has been the subject of some quite extensive discussion. And

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the

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very matter which we should revisit in writing rather than extend the scope of this question, but there is an issue there about securing cover payments and so on, which still needs to be resolved.

20:40

Okay, thank you very much. Just before I go back to the applicant, I see Miss Cahoon you wish to base something?

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Thank you. So yes, the

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pretty well, echoing what Mr. Turney's just said clearly, we are aware of

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a number of diseases that have the outside the order limits issue as it were.

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The problem arises because it is a it is a broad power. And we'll be looking at it under the CA hearing as well. But so setting that aside, the there we have Portsmouth has similar concerns to Hampshire in terms of making sure that that if there isn't going to be a section 278 series of agreements that that is at least reflected within the order because there is a need for rigor.

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And we are concerned about the possibility clearly of works being carried out where

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the Highway Authority would normally have greater control.

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With regard to trees, again, we have set out our concerns

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and how those may be affected.

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Portsmouth's principle kritiker is that it would like and sees it as necessary in the circumstances that the approval process under Forgive me It's schedule three

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is not deemed approval but deemed refusal. If there is any delay. Now, we can clearly see that the applicant doesn't want that. But in circumstances where there are a series of issues arising on a very tight set of construction.

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there's a there's a there's a narrow as a narrow Avenue. And it is quite possible that a number of trees could go simply where

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the authority has had not had a chance to consider and give its approval to any of that.

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So, Portsmouth is concerned about extensive of how approvals of these processes go forward. And indeed, to make sure that there is no

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greater impact upon highways outside of the order limits and within it, then is that is strictly and safely necessary.

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Thank you very much, Mr. Jarvis. And the response to these points.

23:33

In respective points made by Mr. Turney is correct. We are discussing cabinet payments with Hampshire County Council and where we reached an agreed position, we'll be looking to secure that I'd need to give some further thought to the need for a section 278 process to apply. Or be I would note that where the works are carried out within the highway and its removal of trees. And as far as their street furniture, they would be covered by the new roads and streetworks act. So, one would assume you wouldn't need a 278 for those because they wouldn't be worked for road purposes to which one would apply. And in respect to the points made by Miss.Colquhoun on behalf of Portsmouth.

24:12

The approval process included within scheduled three, which provides for 40 working days to approve matters wants submitted and additional time for further information to be requested and additional time on top of that, for that further information to be considered is adequate in terms of timing.

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I've not I don't understand that. There's any reason why that wouldn't be adequate, and it follows precedent in many other made DCOs. In terms of timing. Obviously, the applicant wouldn't be looking to deemed refusal because that would be a clear impediment to the scheme being carried out in accordance with the DCO. That's been granted. Should it be.

24:48

Okay, thank you. We turn just to Mr. Turney. In terms of the balance between section 278 and the new roads and streetworks acts. Do you have any

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observations on that.

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So, I think we'll come back on that. Clearly, it's pointing to Mr. Jarvis

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needs to give some thought to as well, I think in terms of new road and street works that if those alterations in the highway are governed by nose, then

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we contend, but there may be circumstances in which those works would require some separate consideration. So, for example, tree works outside of order limits, I don't think would be would apply are related as well, Israel.

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But I think we need to discuss this further with the app. And there is a there's a broader issue here about section, section 278. Where the works concerned are not nursery workers. And as I understand it, the nursery works really are the pipeline within the order limits. But Mr. Jarvis may take a different view.

26:00

Thank you, Mr. Turney, Miss Cahoon, anything further to add from Portsmouth side.

26:07

No, sir. Thank you. I'll also have a look at nurses because I'm, I'm similarly

26:14

concerned about trees being outside the water limits, etc. But we'll check that and make sure that that we're all on. We've all understood it in the same way.

26:23

Thank you very much this before I go back to the applicant, does anyone else wish to make a point on this?

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No, I see in here. None. Mr. Jarvis. any final comments?

26:36

No, thank you.

26:38

Thank you. We'll move on then to question three point 13 on the agenda

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with reference to the answers received on question x q 1.5. Point 35. Please can the applicant explain the scope and level of rights sought, why they are necessary, and why some of the powers sought. Article 10, for example, offer unsanctioned ability to effect streets outside of the order limits. Reference should be made to precedents in recent made orders where appropriate, Mr. Jarvis.

27:16

So, the articles that are relevant here are articles 10, which is power total out of streets 11, which is the first resource Count streetworks article 13, which is in relation to tech stocks.

27:31

So, the articles do not offer an unsanctioned ability to undertake works is all articles are subject to the provisions of the order, and the requirements. With regard to these articles, it's important to remember that the government's intention in bringing the Planning Act 2008 regime forward was to create a one stop shop to nationally significant infrastructure projects which streamlines the consenting process and ensure no unnecessarily, no unnecessary impediments to their delivery. And it's for this reason that most granted DCs which affect highways or streets in any way have powers similar or identical to the articles which the applicant is seeking in the DCA. And I've already explained earlier in my submissions, how precedent is derived from these articles from the Southampton, Southampton to London pipeline order, in particular.

28:19

And I would just finish by saying that we consider the relevant articles are suitably constrained, as I've explained earlier, by reference to what is required for the purpose of the authorized development and subject consultation with all content of the relevant street authorities. It's certainly not the case that these powers could operate such that the undertaker could carry out works without the appropriate consultations or consents or to undertake works that are not required in connection with the authorized development.

28:48

Thank you, Mr. Jarvis. There's any other folks who or person wants to comment on this at this stage?

28:58

No, I see in here. No, no, I have no suffering. Oh, sorry, Miss good.

29:05

Sorry. So, did it again. The.

29:09

So, I don't want to repeat myself towards the end, and I hear what Mr. Jarvis says about the One Stop Shop process and the purpose of the Planning Act 2008. And whilst it is clearly the case, that is part of the reason behind the 2008 process, it does not mean that orders and articles should not reflect with the same rigor. To use a term, I use before about consenting processes outside, it doesn't mean that it's supposed to be easier. Or it is it is supposed to be able to reflect those statutory provisions which would otherwise have to be gone through.

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It doesn't mean as I say, that, that there should be there should be any sort of laxity in terms of approach and clearly that whilst Mr. Jarvis

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Just that that there is sufficient and effect control by way of applications and approvals through high up through the hiring authority and through

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any other consenting body.

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It is it is a change to the process through schedule three that Portsmouth is concerned about. And we do say that deemed approval is extremely

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dangerous

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precedent to set. And we know that highways England have actually

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requested that any approvals from them should not be deemed to be approved if there are any delays. And we would be asking for the same.

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But

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the same process, the same process as I was England.

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Yes, indeed, I'll be. I'll come back to that shortly. And Mr. Tony, I see your hand is raised.

31:06

So just take a walk Miss Scott, who said on that point, anyone else but the same points apply to Hampshire. Okay. Thank you. Mr. Jarvis. Obviously, some points there to respond to. I think I have seen in the correspondence in the protective provisions for highways England, a different approval process.

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Could you just sort of elaborate on the points that you've heard and on the provisions for highways England compared to the other highway's authorities place?

31:40

Yes, I can, sir. So the protective provisions for highways England relates to the drilling of the cables beneath some depths, the nice highways England highway, there are no work to be undertaken on highways England highway, they don't therefore apply to work on highways England highway, they apply to the drilling beneath it.

32:04

Okay. Did you have any other points and what you heard from Miss Cahoon or Mr. Turner?

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No, I mean, obviously, the applicant won't be conceding to any deemed refusals, because that would be a clear impediment to the scheme coming forward. And we consider that appropriate timescales are included, but they are matters that it's recognized need to be discussed further with both of those parties to agree a position.

32:28

So, I can see that there is a sticking point there that you're going to be discussing outside of this hearing, sir. Mr. Turney, I see you wish to come back.

32:39

Well, sir, it's just Rich Teddy for Hampshire County Council. It's just on the highways England protected provisions.

32:46

It seems as though Mr. Jarvis's response on that is say, well, we're not doing works in the highways, England highways and therefore we're willing to give them more authority over the works that are taking place, then we're willing to give the highways authorities were worked are being undertaken in the highways rather than just passing under them. And it seems to me that that's a potentially a perverse

approach. And clearly, Hampshire County Council have got major concerns about the highways impacts of this scheme and the way in which those will be managed. And the approvals process that is being offered to highways England, seems to be more extensive, and more thorough than the approach which Mr. Jarvis is willing to contemplate for Hampshire County Council. So we do think the fact that the applicant is willing to agree that with highways England is an indication that it is a reasonable request, and we're pushing for and continue to push for similar protect provisions or alternative arrangements to ensure that we have appropriate controls.

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When understood Miss Cahoon, I imagine a similar vein from yourself.

34:05

Yes, but also, I heard Mr. Jarvis saying 40 working days is a sufficient period. But article 11. Three clearly says 20 working days, which is a very short timescale, indeed.

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Mr. Jarvis, how would you like to respond?

34:27

So, in relation to the point made by Mr. Tony, in respect of highways, England, I think he's misconstruing what those protective provisions relate to. They are fundamentally relating to land which does not form part of the highway. It's not that it's not in highways in the entire way. It's just not part of the highway. And they are principally focused on geotechnical matters to ensure there's no subsidence as a consequence of the work and essentially approving the work to be undertaken by HDD for structural reasons. There's not a particular highways element related to them. And then it relates to the point made by Miss Cahoon about 40 working days and 20 working days.

35:00

Obviously, no works could be carried out without detailed approval and works in the highway also require a traffic management strategy. So, all of the works would have already gone through 40 day or more approvals processes. And there's 20 working days would either be following, or twin tracked with that process. So, there's no way that works would be able to be carried out within a shorter timescale, because we wouldn't have the relevant approvals in place to be able to do them in accordance with the requirements.

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Right, okay. Okay, Mr. Turney, your hand is up.

35:33

Sorry, I'll put it down.

35:36

It's good. Your hand is up. It may be something that that we discuss offloading rather than trying to hammer it out in front of you, sir. But

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Mr. Jarvis spoke about a twin tracking process. But there needs to be the same.

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The same timescales if you're going to twin track something.

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So, again, if you're going to impose different timescales for works, you're trying to carry out

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and seek approval for I don't I don't, I really don't see that there is any good

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justification thus far from the applicant to apply such a short time, it really doesn't make any sense having a short timescale for one particular set of works, and a longer one for another. I think 40 working days isn't is not even sufficient in itself, but 20 is definitely not.

36:33

Okay. Thank you very much for that. Mr. Jarvis. I am somewhat content outside of this hearing for yourself and the highways authorities to continue discussions on this point, and maybe just having a reflective review on consistency within the DCR on the approval time scales. But is there anything you wish to add further at this time?

37:01

No, I think it's been mentioned that there is a meeting planned on traffic and highways matters with Portsmouth city council 22nd. And it will be discussed then and there will also need to be further discussions with Hampshire County Council. And that's really just to say that it may not be the case that these matters are resolved the deadline six, which comes shortly after these hearings, but we will seek to resolve that at the earliest opportunity.

37:25

Okay, thank you very much.

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We'll move on then to question three point 14.

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Could the applicant explain the meaning and extent of stopping up and whether the works would meet the definition of such in the 1991 Act? Could the applicant clarify the approval process for any temporary closures, including where this is secured in the DCO. And what consultation with the relevant street authority includes Mr. Jarvis.

37:57

And so, when a section of highway is stopped, that's where there's no ability for the public to use any part of its width to pass and repass.

38:07

So this is important to notice, this is the reason why not all footpath forming parts of the highways are shown on the access and rights of way plans for temporary stopping up where works are undertaken in the highway traffic management will be provided which retains a route across that highway, either by providing a segregated pedestrian route next to the work or a crossing to the footpath on the other side of the highway. And in doing so it's not something that's caught by Article 13 because there is no stopping up in those circumstances. Whatever the sort of mitigation is to be provided there, whether it's a segregated route or whether it's a crossing is secured through the traffic management strategy that must be approved in accordance with requirement 25.

38:51

And thank you for that. It may just be a point of clarification for my understanding, so bear with me if I'm not quite getting this point. But as I understand them, that the stopping up borders the temporary stopping up, I use when a highway is no longer needed for the public use and the effect of the stopping up orders that the public no longer have a right to pass and repass by, by any means bit by foot or by bike or by car.

39:23

Looking at those roads listed in schedule eight to the DCO. They are residential streets and Farlington Avenue and easily road as examples that connect to homes and connect to schools. So, is it really the intention of the applicant to use a stopping up order to prevent public access of any sort along these highways? Or is it more akin to a temporary road closure? That would still allow pedestrian access legally to continue, but prohibiting vehicular access? Do you have any views on that?

40:00

Mr. Jarvis. So, in respect of those highways around Farlington Avenue, and every road that has been highlighted,

40:10

you could use a temporary traffic regulation order to prevent the passing of traffic over those streets.

40:18

And that that would be one way to deal with it. And there will be the retention of pedestrian access for persons whilst the works are carried out.

40:26

So that is something we can look at as to whether they do need to be listed in schedule eight or whether we can remove them from the access of rights away plans on that basis.

40:36

Nonetheless, hopefully, the position in relation to the potential for those to be closed is clear from the traffic management strategy.

40:43

Okay, thank you for that. Mr. Turney. I see your hand is raised.

40:49

Sir. And

40:51

on this point, I do have a memory of the so Southampton to London pipeline DCO hearings and one of your colleagues raised exactly the point that you raised, which is why do you need to temporarily stop up when you can temporarily close? And that was the effect of the order there at the applicants accepted that point and redrafted. So, article 13 of the Southampton to London pipeline order refers to temporary closure rather than temporary stopping up. Temporary stopping up is a difficult concept. Because as you say it results in stopping up results in the loss of the interests of the general public to pass and repass over the highway, the idea of temporary stopping up is a difficult one because the principles would apply, for example, the ownership of the highway would revert to the owners at either side during that temporary period. So, it seems to me that the right approach is to look towards temporary closure rather than temporary stopping up and that is certainly the argument that was accepted in the Southampton to London pipeline case.

41:55

Thank you very much, Mr. Turney and well-remembered. Mr. Jarvis. Is this something that you can take away and perhaps look at that?

42:06

reference Southampton to London pipeline order and see if the approaches we're following there?

42:13

Yes, certainly provided it provides the necessary powers to undertake the works, then it will be fine to amend it to whatever is considered to be more appropriate.

42:23

Thank you. Does anyone else wish to make a point on this?

42:30

My colleague, Mr. Roscoe wish to make a question.

42:35

Mr. Wallace, it was just that I'm coming in next, and I turn my camera on slightly early.

42:41

Or the problem not a problem. So, I have no further points on this. In which case, I can now officially hand over to Mr. Roscoe to the next section of questions.

42:53

Thank you very much. So, this takes us to part four of the DCR supplemental powers, and specifically question 3.15. I personally didn't have anything on this. In terms of matters to raise. Is there anything from anybody else on this question?

43:18

Mr. Jarvis?

43:20

No, nothing for me, sir. Thank you. Thank you. Okay, nothing else heard that being the case, I will move on to part five of the DCR powers of acquisition. And question 3.16. I'm obviously aware of the change to the

43:42

DCR in terms of the five- and seven-year time limits. It's the job is there any anything you wish to say on this item?

43:52

nothing further, sir. No, thank you.

43:56

Thank you. going now to question 317.

44:02

This relates to the difference between installation construction, operation and maintenance rights. I can actually just see a hand raised from Miss Colquhoun it's gone.

44:17

I apologize Sir, I am. I've really got to get my game on making sure I raise my hand in time. So, it relates to question 316. And the change of the

44:29

of the

44:31

time limit from seven to five. Now, clearly, Portsmouth welcomes the fact that that lower time scale has been time that has been chosen. The only comment I would make at this stage is that

44:47

and we've raised it elsewhere, and we may well be coming back to it with the CA hearings is whether there is going to be clearly sufficient time for the what we've called the French

45:00

consent for the project. And so, I would just like that to be flagged up when looking at the timescales, because clearly there are issues over

45:13

whether and how long those consents are going to take.

45:17

Thank you, Mr. Jarvis. Is there anything you wish to say in response?

45:22

I need to say that the position with regard to French consensus explained in the other license and doctor to the consents and licenses documents submitted by the applicant. And all of those consents have been applied for in parallel with the consensus in the UK and all are progressing well. And the intention is that they're all granted around reasonably the same time to allow the project to move forward once consent have been granted.

45:46

Thank you.

45:49

Right, I'm punches. I should I should just say actually, that if you do wish to go back to an agenda question, which has already been dealt with, but you just missed the opportunity to make an indication, then please don't hesitate to do so we can be quite flexible in terms of going back and back and forwards within the agenda items that have just passed.

46:12

And the time now has just passed 12 o'clock. It's my intention now to take a short adjournment

46:21

in terms of a screen break, so I will therefore adjourn the hearing to be resumed at 1205. Thank you very much. Just five past 12 Thank you.