

# TEXT\_AQUIND\_CAH2\_SESSION4\_10122020

Thu, 12/10 4:52PM • 59:14

00:09

Good afternoon, the time is now two o'clock and his hearing is resumed. Just before I continue with the agenda. Are there any matters that anybody wishes to raise?

00:19

Okay, nothing heard. Thank you. Before the break, we had got to agenda item six, which is open space, and specifically 6.1. And it was basically an explanation of the application of Section 132. Particularly in relation to 13234 A and five. I had some questions relating to this. But Mr. Jarvis, is there anything that you'd wish to say in the first instance?

00:50

I think

00:53

Thank you. I've just got to say that you're coming through quite faintly, in that response, then that can be turned up a bit. Thank you.

01:03

Could you just say something again, please? Is that any better, sir? Yes, it is. It looks on my screen as if you're actually on mute.

01:12

That's because I'm talking through a teleconference phone so that I know, without a vibration we had this morning, I remember you saying about mentioning that earlier? Yes. Yes. So, a little bit more volume would be appreciated, I think. Right. Okay. Well, from me then

01:30

I have I'm looking now at the transcript paragraph 6.5, where you're talking about construction activities, in special category land, specifically open space.

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And you say for a temporary period only.

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It's been mentioned by Portsmouth in their representations in paragraph 239.

01:57

To 39, in terms of the Farlington playing fields, and I was just going to ask if there's an indication that could be given at this stage subject to a lot of qualifications, of course, as to the estimated time scale for activities on special category land. And indeed, each parcel of special category land, I'm obviously would be qualified. But in the construction planning of the proposed development so far, I feel that some thought must have already been given to this matter. Mr. Jarvis.

02:41

I made I'm going to refer to Mr. Alan O'Sullivan.

02:47

Mr. O'Sullivan. Thank you.

02:51

Thank you, sir. And is there a particular area of special category land which you would

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like me to refer to initially? Or is it the case of running through the land plans and looking at the different areas on a north south basis? Right. Okay. I think there's two aspects to this. The first is a specific point that has been raised by Portsmouth and I'll give the give them the opportunity to make their position clear in a moment and that is basically Farlington playing fields. So, I would like to have an indication during the hearing if possible, on that and then I would like to have something following the hearing on the each of the other areas of special category land

03:44

Okay, thank you sir.

03:46

Specifically, in relation to Farlington playing fields and in terms of the activities which are proposed to take place there.

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The first one, which I would draw attention to is the micro tonic excuse me, which will take place from the northern part of Farlington playing fields under the railway to the Sainsbury's carpark.

04:11

The expectation is that those works would take place over the course of one summer.

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There is of course the restriction for works between October to March inclusive and taking into account

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that presence of the solid waders and the brand geese

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in terms of the HDD, which would take place from Kendall's Wharf to filings and playing fields. And the expectation at the moment is that that would take place over the course of two summers, two consecutive summers I should say. And so, two bores would be

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carried out in each summer and

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The

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the pipe string fabrication would take place at Farlington playing fields to enable those boards to be lined as soon as they are completed, which is the preference. So, assuming that those works would take place

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in the same programme, period,

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it's expected that the works would take place over two summers, for all of the works of fraud and complaint yields.

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Rise. Thank you, um, in terms of that, then

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I've got an indication of the compound areas elsewhere. And I've got an indication of the

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the construction works that would be required. The trenching that I believe would be required between the two compound areas on Farlington playing fields.

06:06

So that would give an indication of the extent of

06:11

occupation in terms of those aspects. And the tight, I'm just thinking it through, and the timescales are, you've just given me in terms of overall time periods, you haven't actually gone down into a basis of how many months? That would actually be now that may be something that you can't answer in the hearing at the moment. That's something that I'd like to see an indication of that post hearing.

06:40

Is there but is there anything on terms of months that you can give me at the moment, Mr. O'Sullivan,

06:46

the expectation of that over the two summers that the works would be expected to take place, that it would be from April through to September inclusive.

06:59

For the for the works taking place in this area.

07:04

Right. Okay. Thank you, five months, 12 months effectively, sir, over a period of two years.

07:10

Right, the two six months slots over? Over the summer. Right. Okay. Each of each of the summers. Right. Okay. I'll, I'll break on that at the moment.

07:23

But that would be the kind of information that we would be looking for, for each of the special category, land areas.

07:33

just turning to Portsmouth then, Miss Colquhoun, I'm referring to paragraph 239. As I said,

07:42

in the deadline five transcript for this hearing. Is there anything else you would wish to say about the situation on Farlington playing fields? I think so. It may be better that we deal with this tomorrow, when I have somebody available, who will have greater knowledge of the playing field, and also whom I can discuss the suggestion that it's going to be

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an impact of two years, it would be interesting to know what that assessment is based on and how clear that can be. Because clearly that the summer, that's two summers gone. And given

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there aren't any other.

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There's no other way of addressing mitigation of that impact on the sights on the playing fields, that

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it would have to be.

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But it would have to be something that that

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is, you know, we would like to type tiny the applicant down to if it was possible.

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Because it clearly, they have a longer period than two years in which to carry out work. So, there is that so it may be that that

09:05

that's I think it's something that I can come back to tomorrow, perhaps when I actually have somebody who's able to address it from orbit in terms of impact. Yes, that's fine. I have no difficulty with that. And indeed, we will return to it tomorrow. Just on that, though, it could well be that on this matter. There is further discussion, it appears to me that there may be benefit from further discussion between the parties on this.

09:28

Just returning to your points. Mr. O'Sullivan, I think that the potential areas of occupation, and the duration of those potential areas of occupation would be useful in terms of addressing that. I'm not sure what can be done between now and tomorrow. But I think I would ask for a post hearing note to cover each of the special category land areas, the and the duration of the elements.

10:00

The works that will take place on each of those sites. So, for instance, relating that back to Farlington playing fields, that would be the duration for each end of the HDD and micro tonic works and their compounds and the occupation of their compounds, duration for the trenching between the two. To get a kind of picture of what the potential occupation would be, I realized that you'll need to quantify it in many ways, but at least it will give an indication of the potential for impact on that special category land.

10:39

Mr. Sullivan, were there any was the Was there anything further that you wish to say? On this at the moment, bearing in mind that we will that I've asked for a post hearing note, and that we will discuss it again tomorrow in a little more detail if we can?

10:55

Thank you, sir. I would make reference to the framework management plan for recreational impacts, which is rep four, zero to six in the examination library, which, which deals with some of these queries, both I'm happy to confirm on behalf of the applicant that we will take an action to look at these areas in more detail and to provide any additional information we can for deadlines.

11:21

Thank you very much. I think I would just make the point. And I see Miss Colquhoun's hand is up, I'll come to you in a moment that some of these

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requests are really collecting together information in a form that can be best referred to in the recommendation report that we have to put to the Secretary of State.

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it's often sometimes it comes from different sources within the examination documents. But it's sets hopefully it can be put in a form that we can then readily refer to in the report, and it can be easily addressed at the other end.

12:02

So, I just I didn't have anything further on what has been said already, turn now to Mr. Cunliffe.

12:13

Thanks. So yes, Ian Cunliffe on behalf of Portsmouth City Council. And thank you for your attention on this matter. And whilst the evidence has been pulled together by the applicant in respect of duration of occupation, it may also be useful just to flag at this stage.

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The requirement to reinstate the land once occupation has ceased by the contractors, and an estimate of how long it will take to reinstate that land, because that will obviously

12:45

also involve displacement of users from Farlington playing fields. And the other aspect, which I think is relevant is the consideration of narrow working with across special category land, as well as applied in the Southampton to London pipeline application made by SA DCO. So those are those are just two points that I thought might be relevant to raise at this stage.

13:11

Thank you, for those. Mr. O'Sullivan, I would request them that those two matters are taken into account in the post hearing notes that I've asked for. Is that something that can be done?

13:22

Yes, sir. That won't be a problem. Thank you very much.

13:27

Was there anything else on agenda item 6.1. Mr. Cunliffe, if I can still see your hand raised, but you're on mute. Is there anything further you wish to put in that the stage?

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It's gone now. Thank you very much.

13:43

Right. Was there anything else that anybody wish to add on agenda item? 6.1.

13:49

Okay, nothing heard. Thank you.

13:52

Coming to Agenda Section seven of the special category land agenda. Item 7.1.

13:59

I didn't have anything on that.

14:03

Mr. Jarvis. Is there anything that you wish to add to your

14:07

transcript?

14:09

No, thank you. Thank you very much anything from anybody else?

14:14

Okay, nothing heard. Thank you.

14:19

On to agenda item two, which really relates to the access points required within the allotments the Milton allotments.

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This is something that we spoke about yesterday. In the hearing. I've got a number of further questions that I wish to ask on the subject. But before I do that, Mr. Jarvis, is there anything that you would wish to say by way of introduction

14:55

Mr. Jarvis.

14:57

Apologies. I was on mute.

15:00

Nothing further, I'd like to say by way of introduction, I'm hopeful that we have explained our position with regards to the access points. And we do have Joshua Kauffman available, who will be able to speak to the risk of bentonite breakout, which was a much discussed yesterday like expect that will be one of your specific questions that faster.

15:20

Thank you. Yes, it's Yes, it will. So, I will, I will start on those then. And

15:28

I will obviously be aware of any hands being raised on the way through. So, I'm basically looking at, excuse me, paragraph 7.3 in the transcript, and I'm looking at the risk of bentonite finding its way to the surface. And I touched on this in the hearing yesterday. With the very, very general view that adjacent to the harbour there may well be areas of historic land reclamation stroke landfill that may result in an avoided ground and certainly mixed ground. I'm wondering if there's been anything done to is try to assess the risk of bentonite breakout First off, so I'm not sure does this go straight to Mr. Kaufman now if that is the case, then I'm happy to hear from you Mr. Kaufman.

16:29

Yes, I just to confirm it will go straight to Mr. Kaufman. Thank you.

16:33

And I say Can you hear me? I can I

16:37

can hear

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that might be coming for now. Might be a delay. I'm happy for you to continue. I can see you now. Okay, great. And I prepared some notes on this. So, I'll talk through the notes from start to finish. I think they explain the whole picture. And without going through them one after the other I think it might be a bit more confusing. To address the first point, you raised about me ground or reclaimed ground. In the facility. Yes, to the south of the allotments where the entrance pit is there was some may ground encounter during the ground investigation. At this location at the entrance pit. Their plan is to have casing fruit material to a competent layer. Now I'll explain how that mitigates risk of potential breakout at that location. Now let's go through.

17:26

So, let's start with to what extent various ground conditions have a risk of breakout. So from work done today, we deem the risk of breakout the allotments is small to negligible due to the following reasons preliminary sign of the stick often I didn't I didn't have a word you use to describe the risk of breakout it is small to measurable negligible right. Thank you. The and the reasons eyes follow. preliminary design of the directional drills has been conducted to identify suitable depths and lengths of crossing using both desktop studies and then that has been followed up by on site surveys.

18:08

The route which poses the highest risk to break up and eliminated

18:13

these risks are granule those areas are granule layers at shallow depths. So, the route has been posed at depths of worth in content layers below five metres this I think is proposed about 10 to 12 metres currently in a homogenous geological layer which reduces the risk of breakouts as well.

18:32

The drilling fluids use or construction of naturally occurring bentonite. And these materials, product safety can be found on British Government C fast which is the Centre for environmental Fisheries and Aquatic sciences and a website for planner which is pose little or no risk less. Just on that point, Mr. Kaufman when the applicant actually responds with a summary of what has been what has been said in this particular hearing at deadlines six, could a reference be put in to those two standards and aware this bentonite appears in those standards maybe with an extract or some way of relating the event and I typed to be used with those standards. Yet, I'll just put a note down. Thank you.

19:22

I'm happy for you to continue.

19:26

So, the measures that will be taken to limit the amount of drinking food released in the unlikely event of a breakout or as follows. So, the risk is obviously breakout to an impurity surface. So, the mitigation measures, start with the contractors HD design will be at the sufficient depth below surface and it will be an homogenous charged layer.

19:48

The monitoring of tritium fluid returns, and the volumes of return worn off in inadequate drilling returns or loss of fluid

20:00

Turning fluid to be sufficient viscosity and the properties for the ground being drilled. Real time just on this, it appears to me that you are now going through if you like a method statement, which would certainly be useful to have, yeah, maybe better if this could I don't know how much there is in terms of the detail here, I was really interested in a view on the risk of bentonite coming to the surface. And really interested in the references for the bentonite material that you talked about that we've just spoken about then. But I wonder if this is a long set, if this is a relatively long piece, in terms of a method statement, if that would be better put it in writing or not how many pages not to read is something

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it's only about a page long in total, but I can summarise it very quickly. So yes, there's a series of methods put in place, which will be into in a meta statement that control the pressure and the likely returns or loss of fluid, you know that these are done by sensors and visual inspection. So that would be put into a method statement, the actual risk of bentonite

21:09

to surface if considering the primary design has been conducted, and you've done your own investigation, you can pick a competent geological layer, which has already started from the preliminary ground investigation. And we've identified competent geological layers, which the preliminary HD design is targeting. To get to that layer in the entrance pit, there will be casing to ensure that the initial entry point through the weaker layers are secured onto that constant layer. Now the risk is very low. And if it does occur, very unlikely event, you can immediately identify this through loss of returns or loss of pressure, stop the drilling. Now, the amount of going to surface is often a matter of litres, because

you've realized the loss of pressure and you can stop the process immediately what stops further fluid going to surface, this is usually you find identify location, put it around a band or something similar to just contain it. And then remove this by either hardening material and move it with hand tools. Or if it's a larger amount, you can get a four by four or small suction pump vehicle to come and remove the material and then seal it up with sufficient

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fluids that are specialized for sealing these kinds of fractures of voids caused by drilling, which is very unlikely if you pick your competent layer to start with and drilling and

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so on in terms of this in terms of bentonite escape, if I use that word,

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over what period is this likely to take place is there is a risk of this present in relation to the construction period. So, it's a job while you're drilling. So, while you're applying pressure, we can confirm that we can, you know, put that into the method statement when the highest risk periods are. But obviously once you've reduced that pressure, that the whole settle down, you'll get earth pressures were good returning to normalize pressures over with after data for drilling. And while we're talking about the drilling under the allotments, what is the period of time for that construction activity? I will need to confirm that I'll confirm that in response after the hearing for deadline six. Thank you.

23:23

Right. Okay.

23:33

We're conscious that we dealt with a number of aspects yesterday,

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including the

23:41

the seasonal restriction on this work if and I'm waiting a response from the applicant on that, of course.

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I didn't have anything else from my own point of view except to refer to Portsmouth new connection position rights, as allotments matter, which,

24:05

which I'll come to in a moment. But I see Mr. Jarvis, you've got your hand up.

24:13

And oh, no, yes, that's right. Sorry. Yes, yes. Because you've come through in a different place. It's a bit confusing.

24:19

So, to confirm that it has just been, it has been informed that the period of the drill beneath the allotments would be for around three months. And we will come back and confirm that position in writing within our statements in this respect. Thank you.

24:34

And then the matter of restrictions during the summer months is still something that's under consideration. Is that correct?

24:41

Is something that's being further considered that Yes, thank you. Thank you. Right.

24:48

Mr. Kaufman, thank you for that. Was there anything else you wish to add to it? No, that's it. Thank you say. Thank you. Thank you. I'm turning now then to Portsmouth. transcripts.

25:10

And it was basically the matter that we

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that we put to one side a little yesterday in terms of Portsmouth's position on your connection rights. Miss Colquhoun, is there anything that you would wish to say on this at this stage?

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I think this is the part in the compulsory acquisition hearing that I would wish to raise any points on this.

25:38

Sorry, talking to the talking to the ether I was. So, thank you. The

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I think that the best way of dealing with this is

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is in effect to come back to it tomorrow. So that that our case could be presented all in one otherwise it gets it gets

26:04

acceptable to you. It is acceptable to me. I mean, obviously, I don't know the detail of the case that you're going to present. So, it's difficult for me I just give had to give you the opportunity at each stage. So

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if we, if so, we will deal with this in the second compulsory acquisition hearing tomorrow. Thanks.

26:24

Right. Okay.

26:32

Yep.

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There is just one other thing while we're on the subject of the allotments and access.

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The moment in terms of the examining authority, we're thinking about the possibility of an accompanied site visits to various areas along the scheme we've undertaken and accompanied site visits, as you've already seen the details off before in terms of Portsmouth and the allotments, it could well be that the allotments may be one area that may we may wish to visit. And that might be just two

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representatives to visit.

27:18

Is that something and it would be on an unaccompanied basis. Obviously, the gates would have to be unlocked to allow us in and out, is that something that will be acceptable to Portsmouth being the landowner and that could be arranged through the case team here at the appropriate time, it would be likely to be early next year, potentially February or something like that. But I just put that out at the moment.

27:43

And looking for a response from Portsmouth as to the acceptability of such an event.

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Yes, that that that can be done. Thank you. And the little bit of notice, but

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of course there isn't there is detail, but obviously sort of we have to we have to ask because it is a little bit different, because it's a company down because it is private land, etc., which is why the request is made. Absolutely, sir. Thank you.

28:10

Right. Was there anything else on the agenda item 7.2. from anybody, Miss Colquhoun, I can see that your hand is still up. I don't know if that's from before you wish to speak again. It's gone. Thank you. Anything else from anybody else on agenda item? 7.3 7.2.

28:30

Okay, nothing heard. Thank you.

28:32

On to agenda item 7.3, which concerns a description of a vantage point survey. I didn't have anything else to add on that. Anything from you. Mr. Jarvis? No, thank you, sir. Thank you anything from anybody else?

28:49

Okay, nothing heard. Thank you.

28:56

Turning to agenda item 7.4.

29:03

The possibility of joint bays within the allotments. This was explained yesterday in terms of their relationship with the entry and exit points.

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There was a query as to why it was raised in the first point by in the first place by the examining authority and I think it centers around the use of the words unless unavoidable in their response to question ca written questions ca one 334. Now, if the situation is that they will not be positioned within the allotment area, then the words unless unavoidable, unavoidable, do not apply. But I was just interested Mr. Jarvis in whether, you

30:00

thought that the words unless unavoidable shouldn't have been used. Mr. Jarvis

30:09

I will need to go back and check that said that we can certainly look to correct it. And I expect that that matter will be corrected in the statement that we are to provide or other the post hearing note in that respect. Thank you.

30:23

I would add Sorry, just looking at that, that where we're referring to joint bays in ca on 334. It's not a reference to the Joint BEIS for the HDD. It's a reference to the trench to Joint Base. So, the idea there is that you may have a joint bay where you've got a translation on the very edge of special category land, because that would insert instances avoided being on the highway. And there's a balance of factors that need to be taken into account there in terms of impacts. But again, I can seek to clarify that as necessary in our post hearing summary, thank you for that if you if you could Yes, please. I mean the agenda item 7.4 is specifically related to allotments. But if you could clarify that other point as well, that would be useful. Thank you.

31:09

Anything from anybody else on agenda item? 7.4?

31:14

Nothing heard. Thank you.

31:18

Agenda item 7.5 relates to the need for larger reception HDD compounds at the allotments.

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I didn't have anything I specifically wanted to raise under that agenda item. Mr. Jarvis. Is there anything from you?

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No, thank you, sir. I don't think from anybody else.

31:43

Okay, nothing heard.

31:46

Mr. Jarvis. In terms of the statement, that was the transcripts that was provided at deadline five, I didn't have any text on page 43 of that transcript effectively, it went from paragraph 718. Through to section eight. Is that correct? I just wanted to check that I haven't got anything missing. That's correct. For the page break whether there's a page break from certain, but it's just

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the pages break page, I think nothing.

32:16

Okay, thank you.

32:19

And then just at this point, then, in terms of Portsmouth, one of the matters that one of the other matters that was parked yesterday was under agenda item three point 25 325, which was the typical restriction widths for HDD.

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And that's that was said to be spoken about today. I'm conscious that it had

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it had something from the applicant, and then possibly they'd had comments from Portsmouth as well. But think thinking back now, it is an applicant matter.

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I wonder if we could deal with it now. Sorry, I'm thinking aloud. Now. This Mr. Jarvis, this was this was a point where we

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were thinking about the HPD.

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duct and the spacing of those within the order limits. And the fact that the spacing of them is shown indicatively on the

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on, on the submissions that have been made on the plans that have been submitted. It's whether those indicative positions actually allow for movement to either side of the band, if you like, so that not all that width would be required to be acquired in terms of subsurface rights, or whether that for width would need to be acquired in terms of subsurface rights, to allow the drills to avoid stroke wander, to take account of the ground conditions in that area. I've gone quite a long way into that. But hopefully that gives an indication of where we're coming from.

34:21

Mr. Jarvis, I think you said that this might be better dealt with somebody else on the team and that that person might be present today. Is that something that can be done in terms of an explanation, Mr. Jarvis.

34:33

I'm happy to deal with it.

34:36

Right. Thank you.

34:38

So, I have to start off by asking was I clear enough in my description of what I was looking for

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Us, thank you.

34:48

Right. So

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if I may explain. So

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the restriction that would apply across all of the bores singularly the

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reason for that is because it would not be geologically sound to allow for excavations in beneath the balls, because that could alter the ground conditions within which they're located and could cause an

issue. So therefore, at the depth where the balls are, the restriction would apply across all four of them without any breaks, essentially.

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Right, so it's a band to cover all four. Yes, sir? Yeah, okay.

35:26

Right. So, if it's a band to cover all four, then is the width of that band intended to be the width of the border limits in

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that location? It could be the allotments it could be else elsewhere? Or is it the fact that

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only a proportion of that width would be taken by the rights going up to the surface.

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So, with these sorts of operations, it is it's difficult at this stage to confirm the exact area where they would be. So, there is flexibility included to allow the board to be located within the order limits. It's therefore not the case that the whole width of the order limit in those locations would be subject to the restriction,

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it would be less in circumstances. And the position would be concerned once the ball has been undertaken. And it's known exactly where the balls are, at which point, the sort of necessary vesting declaration in relation to those rights would be exercised.

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Right. And then in terms of the restrictions that come to the surface, what is there an indicative width of those restrictions? I just use the

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the situation of the trenched construction, where we've been given width widths, for permanent rights for

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maintenance, access, for instance, beyond the five-year period.

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Here, we've got restrictions on use of the surface, because there's HDD underneath.

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Is there a width, so that future restriction beyond the furthest HDD bore if you like?

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so, there would be a width, which would be concerned, and there would also be a depth. So essentially, what it wouldn't prevent is something happening on the surface such that it would not go deep enough to interfere with the cables. I am not at this time able to confirm exactly sort of

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depth probably isn't the right word at the depth above the ball that would actually if you were to drill down would call, I know what you're talking about. That is a matter that I will address in terms of how close to the balls you could get without it being an issue, and therefore, where the restriction would not, in effect apply within the vertical plane of the strata.

37:55

I can understand what you're saying. Yes, yes.

37:58

I just wonder, then, if we do have, I mean, I'm coming back to 210 14. Again, because that's the one that we've been talking about, there is quite a width to that plot. As it crosses the allotments.

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The width then goes a reasonable way beyond to either side of the indicative bores, I can see how those are indicative balls, and indeed, as well as our King underneath in the vertical plane, they may have to undertake some diversion in the horizontal plane. So, I can see how they wouldn't necessarily follow a direct route. But when they were put in, would that overall limit then reduce? In other words, the width of the plot would be less in terms of restrictions? And is there any indication of how much less that would be? Although I accept that the position of that can't be identified at the present time.

39:03

I'm formed that Mr. O'Sullivan will be able to answer this question. So, if I can pass over to him, sir. Thank you. Thank you, Mr. O'Sullivan. Just before we proceed, if I can just say that this cartoon, I've have obviously seen that your hand is up, I just wanted to come to the end of this particular element before passing across to you, Mr. O'Sullivan.

39:24

Thank you, sir. I think it's um, it's useful just to draw an analogy here to the cables, which would be installed on the surface by trenching. So, the intention for those cables is that they would be installed in trenches approximately five metres apart. Those trenches would then be about 700 mil wide, but we would seek that the easement which would restrict any activities which could impact those cables would extend approximately two metres. either side of those cables just to provide an overall easement with approximately

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11 metres

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when it comes to the bores, and the cables that are installed by HDD, and you're obviously looking at a wider area, just to ensure you have the

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necessary levels of thermal independence between the different cables. And similarly, to the approach taken on the surface, you would apply and offset which is effectively a protection zone outside the

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the furthest extent of the thought that if I was to call them bore number one and Board Number four, and the exact distance

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would have to be confirmed as part of the final design. And but

40:46

essentially, it would be a constant which would be applied across the different HDDs across the roof. And primarily was, you know, what the applicant is seeking to, to restrict here is his activities which could take place, which could impact the cables, and, you know, we're looking at things like deep, deep excavation or

41:08

certain types of piling, which, again, they would have to be looked at on a case by case basis. Because again, each would have potentially different events.

41:19

So, the extent of I'm just looking now, for anything you can give me on the extent of those indicative whips or the offset, as you called it, thinking about the plan that shows the indicative

41:34

ducts and the indicative balls and relating to the order limit wits, the width of plot 1014.

41:44

And just after added a descriptive word to describe how they would relate to each other.

41:54

So, the expectation, I think, is that the distance which would form the protection zone outside of the HDD, and the HDS, when installed would be five metres either side.

42:07

Yeah.

42:11

We kind of caught a firmness in the, in the written submission. Deadline six. Right. Okay, I wasn't sure I use the word I use the term descriptive word because I wasn't sure whether that whether you could be as

42:27

as, as figure a figurative as that.

42:30

But in terms of the spacing of the bars themselves, that's the spacing between them likely to be if you're in figures,

42:41

and that would very much be dependent on the geological conditions in which not installed at the depth and so on. So that would be a

42:53

consideration for the detailed design. Right. Okay. So, are you saying then that in the in the extreme, the balls could be sufficiently widely spaced to actually mean that the spacing between the balls plus five metres either side covered the width of rights to be sought in plot? 1014?

43:15

It couldn't be ruled out, although I believe for in the case of 1014, it would be unlikely. Okay.

43:24

Right. Thank you for that I got a better impression of the mechanics of actually going through to determine the final width of the rights sought and some of the factors that would come in to that.

43:38

It'll be confirmed in the submission that we haven't deadline six on this.

43:43

So, I'm happy for that at the moment. Is there anything else Mr. O'Sullivan, that you'd wish to say on this point?

43:49

No, thank you, sir. Thank you. What I'll do now is misquote him and you've had your hand up for a while.

43:56

Do you wish to add something so very much along the lines of what you've been exploring with Mr. O'Sullivan, Mr. Jarvis, that that I mean, the message is, there is a clear potential for?

44:10

the land that is identified, or at least that the, the interest, the subsurface interest that has been identified for the for the more permanent rights not fully to be taken up, and that includes both width and depth.

44:28

The

44:30

the way that it's expressed in the book of reference in terms of plot 1014 and ABC is

44:41

below 2.5 metres, which we discussed yesterday.

44:47

The I think the concern that we have is how the mechanism would work whereby

44:55

landed is not required and clearly not required for

45:00

The kit is

45:03

how

45:06

that reverts in effect to, to the owner because no doubt will be told that

45:14

the powers only allow for

45:17

the acquisition of land that is actually required. And here we've got a position where

45:24

that's that is being established very late in the day.

45:29

So, I just wanted to raise that particular point, because there it is clear that there will be points where below 2.5, or well north of 2.52, to whatever extent the surface is supposed to be

45:45

treated as that there will be landed is not required at all for the construction of this

45:52

operation. Thank you. I've got the point that you're making.

45:56

Mr. Jarvis, then do you have anything to say in response to that?

46:01

No, I think I think that the points have been set out quite clearly.

46:06

It's obviously very difficult to, in words in a book of reference, restricted to an arc. So that's why a minimum depth has been included in it further, something we're looking at following the content yesterday.

46:19

Obviously, the exercise of compulsory purchase powers are subject to time limit, we can also only operate exercise them in relation to the authorized development. So, the position would be once they've been exercised in relation to the authorized development on built that right would be about power rather, would be spent in respect to that aspect of the development. And in addition, there is a time limit to exercise those powers. So after that five year period, it would be an impossibility in any event to exercise those powers any further, that you wouldn't need to do so because you would have already have exercised them in relation to that particular thread development, and you would have no further power to do so.

46:53

Right. So, what about the reversion point is did you did you intend to recover the revert intend to cover the reversion point in your explanation, then?

47:08

Not sure. If I've been quite clear on that. I think you have an apology. So, I was just listening to a comment from in the room.

47:16

In terms of the reversion point, it's the case that you own the excess you can only exercise the powers over was required. So, once it's been exercised, as I say it's spent, and then the reversion through automatically occurs, if I'm understanding your question correctly. So, there wouldn't be for instance, a combination that once that's been exercised,

47:38

I mean, in theory, there would be that this is now an exercise. So, there can't be anything further over this line. But it is a case that is concerned by the exercise over the land that's required in any event.

47:49

The point that I can see being made here is that the acquisition of rights has to be exercised over, for example, the width of the order limits in 1014. Because of the factors involved in HDD, when the HDD actually goes in, and is identified in a location, we then come back to the spacing of the individual balls duct, together with the five metre offset, and that you're saying would be the land deed that the rights required to undertake the proposed development, there would may well be a gap then between the order limits, in other words, the outer lambda which we will do, which notice was served, and the final need for that with, if you like, so there are spare parts, there may well be spare bits either side, and I was wondering what happens to those spare bits either side.

48:52

So in terms of the construction, you'd actually exercise that pursuant to your temporary powers, you would then confirm the permanent easement with and that's when you exercise your power of acquisition to confirm the area, the strata over which that restriction applies. Just to come back to the reasons why it's not possible to concern the precise width. The deeper the balls go, the wider they need to be a part of the thermal spacing reason so as to ensure the cables don't overheat. So, it depends on how deep you go as to how wide they need to be.

49:30

As Josh Kaufman explained earlier, a preliminary design has been undertaken, which has been going into appropriate ground and what I think it would be best for us to do in our follow up submissions is to confirm the width of land over which the permanent easement would be exercised. If the board were installed in accordance with that preliminary design. I think that would be the best way that we can clarify this point, sir.

49:57

Okay, and then if you're putting something

50:00

And on that then

50:02

also, in respect of the reversion aspects, just if you're like a chronological explanation of how that would be done if you're like,

50:15

yes, that's fine. I can do. Yeah. And I'm just thinking about where this actually fits in. I don't have to hand

50:23

a copy of the post hearing notes that were requested yesterday, although we did confirm them at the end of the hearing. Is this being added on to one of yesterday's?

50:34

I would need to consider that servicer. Right. Just making I think there were 24 post hearing notes yesterday, that I'm sure I'll be able to fit it in somewhere. Thank you. Make it clear where that has been addressed. Thank you. Right. Okay. Thank you. Yeah, yeah, right. Okay. Miss Colquhoun, I can see your hand raised.

50:53

Yes, yes, I'm very grateful for that. It's something else that I need to raise, which is where were we locate Portsmouth response to the second the rest of these representations, because by some magic or omission, they have ended up on our response to is each one so I'm sure you work that one out. So, there was a response from Portsmouth on highways matters and alternatives. And

51:18

I just thought I'd raise that now before um, before we go on to the next bit.

51:23

Yeah.

51:27

Just looking at where I've where I've put those. Yeah, right. Okay. So those were those were to do with the highway matters. Yeah.

51:36

It's glued. Am I correct in that?

51:39

Yes, sir. Thank you. Thank you. Right. So just in terms of 7.5, then agenda item 7.5.

51:53

I didn't have anything further on that.

51:57

Was there anything else from anybody else?

52:03

Okay, nothing. Okay. Nothing heard.

52:07

Then to

52:10

section eight of the agenda and agenda item 8.1.

52:16

I didn't have anything that I particularly wanted to raise in terms of this.

52:22

Mr. Jarvis. Was there anything from you?

52:26

Know, nothing further, sir. Thank you. Thank you.

52:34

And Miss Colquhoun? I haven't. I'm just going to have a look. Now for the for your is h

52:43

responses.

52:46

Could you just advise me as to which goes to which questions you are actually look? Yes. I'm, would you give me two moments whilst I sort this out?

54:04

Miss Colquhoun? I think we've possibly on the two minutes where we are now. Is there anything that you can give me on this, please?

54:15

So, I'm sorry, we're in a bit of a state we can't find it. We had some responses. And I think there are relevant points within the ISH each one. So, I'm sorry, we're in a bit of a mess.

54:28

I don't want to delay things. Anything any further.

54:33

Let you carry on.

54:35

Thank you.

54:37

I mean, I've I should just say that I in in view of what you said before, I've just checked now through the ISH transcript that was provided, and I can't see any reference to things that might have been relevant to the hearing today. I know there was some, some thought earlier on about the titling

55:00

transcripts, but right. Okay, I leave it for you to raise things as a when you see fit. Thank you. So, we will sorted out and I'm very sorry. Thank you. So, in terms of section eight of the agenda, I turned to 8.1. Again, I don't have anything that I wanted to raise on agenda item 8.1. Mr. Jarvis, anything from you?

55:28

Briefly, sir, we have nothing to add at this stage. Thank you anything from anybody else?

55:36

Okay, nothing heard.

55:40

All Hampshire County Council I did raise my hand. And

55:44

Mr. Turney, if I could just hold you there. I didn't see the hand raised; it could well be the time missed it. But I know that, that I think yesterday, there were some queries about your hand being raised or not from our end. And so, but I'm happy for you to come in just as you have done at any time, I'm just trying to explain that it might not have appeared on my screen for some reason.

56:08

And I'm afraid that I will interrupt if I feel as though I've been ignored. So.

56:15

But just very briefly on this, and there are of course, some differences between what's being sought here and what would be the rights for statutory Undertaker. And we just observed that, in particular, there's the acquisition of compulsory rights, including in the in the sub sort of beneath the highway.

56:35

And

56:36

I think some of the commentary that's provided by the applicant is focused on what would be the ordinary rights of the undertaker, statue, Undertaker, I'm not quite sure we agree with everything that said. But I think broadly, it can be noted that Hampshire County Council's position is that there are rights for statutory undertakers to lay cables and so on in the roads. That of course, is perfectly normal. We are trying to make sure that Aqua and have those rights pursuant to the order, but they're regulated in a way which is known to the council, in other words, consistently with those other statutory undertakers. And we've made observations to that effect in answer to questions 8.1 and 8.2. Thank you. Okay. Thank you.

57:24

Was there anything else under agenda item? 8.1?

57:30

Okay, nothing heard.

57:36

Agenda Item 8.2. I didn't have anything to raise on that. Mr. Jarvis.

57:44

No, nothing further, sir. Thank you. Thank you. And I should have given you the opportunity after Mr. Turney spoke to come back on anything that Mr. Turney said do you wish to?

57:54

I mean, I think Mr. Turney is correct. In my response, I've focused on the difference in terms of the powers that an undertaker would benefit from the fashion sector in the highway as opposed to what the powers are that fought in the order. And their point with regards to the ability to acquire land below the depth of the highway is acknowledged as a difference also. Thank you, sir. Thank you. Back on then to agenda item 8.2. Was there anything that anybody else wish to raise?

58:23

Okay, nothing heard. Thank you.

58:31

Going through to Section nine of the agenda, and in doing that, I'm conscious that it's just coming up to three o'clock now. This may well be a convenient point to take on what's called a screen break.

58:44

I should just remind those on the live stream when they return, they may need to refresh their browser.

58:51

I will now adjourn the hearing to be resumed at five past five past three. That's 305. Hearing adjourned. Thank you very much.