

TEXT_AQUIND_SESSION5_10122020

Thu, 12/10 4:55PM • 1:01:26

00:05

The time is now five past three, and the hearing is resumed. We had got as far as section nine of the agenda. And I just now like to take item 9.1, which is an explanation of the August 2014. Preliminary technical, economical study.

00:26

Mr. Jarvis, I didn't have anything to ask about that. I'm content that the transcript has covered the point. If there's anything additional that you wish to say, then you now have the opportunity to do so.

00:46

That's okay. Nothing in addition that I'd like to add. Thank you. Thank you. Was there anything from anybody else on this agenda item?

00:55

Okay, nothing heard. Thank you.

00:58

Amen to agenda item 9.2.

01:02

And that is, it's quite similar. It's to explain in detail the consideration summarized in the alternative countryside routes comparison. Again, I didn't have anything in particular, I wanted to raise under that agenda item. Mr. Jarvis. Is there anything that you wish to add to what's been put? No, thank you, sir. Thank you. And was there anything from anybody else? I can see a hand raised.

01:31

Mr. Cornwell?

01:32

Yes. Good afternoon, sir. I just wanted to clarify whether this was the point, he wanted us to discuss the countryside route, in terms of its general planning merits against what we've called the road route, or whether you were content to leave that as a matter for later consideration.

01:53

This is this is a compulsory acquisition hearing, which is considering the work that has been done to date in terms of alternatives. And that is why we've asked a number of written questions on this. And

that's why the agenda on this section was laid out, as it has been, it's not really a discussion, a current discussion on the planning merits of the alternatives if I can put it like that.

02:24

And I'm not sure in your transcript, and I'm just turning to it now that it actually had any points that you wished. I do. I do apologize.

02:39

I have seen that you have a set and I've only just seen it now you have a section on consideration of alternatives. So, I think what we've submitted a deadline five was actually making the point that you've just done, that our interpretation was that this isn't the time to look at the planning merits. And I was simply seeking clarification of appoint as you were in case that the opportunity passed me by with without the, without being able to respond. So okay, I'll happily leave it there. So. Right. Okay, I've that that could that could well be why I didn't actually marked up in the first place, I have to say, but as you've raised it now, I would just like to, to sort of just consider then how this would be taken into account. Now. We have then all the submissions from you so far. Right. In terms of the alternative countryside route, obviously, we can understand the positions of the various parties on these. And so, we don't we haven't had any further questions to ask about this. We've had some questions of the applicant. And so, we've basically got this at the moment on the written submissions.

04:03

Now, if there's, I don't,

04:07

there may well be something that you wish to add to the written submissions that you've put in, you've put in so far. But there isn't, from my point of view, any discussion to take place on those submissions that have been that have been received? Just wondering what your position is, is Mr. Cornwell do you subdue your submissions to date? Cover the authority's position on this? Yes. Are they do we think they're suitably comprehensive enough? Right? Right. Okay. So, we've got a situation here that's even though this may be at the at the limits of a of a compulsory acquisition hearing, subject matter, if you like that the authority's position has been put

04:49

correctly sufficiently put in in the representations. And that's how we would deal with this matter. We've obviously got some questions on alternatives. But that's how we would deal with your

05:00

particular matter.

05:02

Just on any other any final comments you wish to make their own. So, thank you very much. Okay, thank you.

05:12

So, I was then on agenda item 9.2. Was there anything else from anybody?

05:20

Okay, nothing heard. Thank you.

05:23

All now to agenda item 9.3, which concerns the brief explanation of the scope and nature of the following studies now on this, I've obviously, as I've said, before, received and read the applicants transcript. And I didn't have any points that I wish to raise on this. Mr. Jarvis. I mean, I do have to say that this provides to us a good precis of these particular aspects that we felt possibly were a little bit disparate in the in the different documents that they came from, if you like. And so, this is useful to us. Mr. Jarvis. Was there anything that you wanted to add to what's been put in?

06:07

No, nothing we'd like to add to that. Thank you. And was there anything from anybody else on this matter?

06:16

Okay, nothing hurt. Thank you.

06:21

I could hear a voice in the background. I'm not sure whether it was anybody attempting to raise something called like, it was just

06:28

background noise? I don't see any hands up. I don't hear any further words. Thank you. Right. Okay. On to agenda item 9.4, then, which relates to the ground conditions on Milton common, and the prospect, if you like, of a contract to having to lay one cable circuit across the common one along the eastern road?

06:55

Now, I do have

07:00

a couple of comments on this.

07:03

Mr. Jarvis? Is there anything that you would wish to say to start the subject off?

07:12

No, I think I think we're happy that we've covered it comprehensively as we can in the transcript.

07:19

I would just note that if there are specific questions in relation to the assessment of ground conditions that it will be Mr. Joshua Kauffman, you're responding to those.

07:30

Thank you. I would just say that I mean, and it could well be the same at this end. So, if it is, please say, and that was quite difficult to hear you at some stage because of the rustle of paper. If the same happens the other way around, and I'm rustling papers, do please say if you haven't heard anything, right, okay, so what I will do on that basis, then of what you've just said, Mr. Jarvis, I will go straight into my questions. And I will ask of Mr. Kaufman, then the questions that I had.

08:02

So, Mr. Kaufman, then I'm looking at

08:07

paragraph 9.29.

08:13

And I looking at the widgets that are talked about there.

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And basically, the enough in the first line of 929. The widening

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remedial solutions can require the widening of the converse of the conventional trench area, which would have greater land requirements than conventional methods.

08:40

I'm just finding it a little bit difficult to understand how that would make a significant difference to land requirements in terms of the width of a trench. No wonder if you could just describe what potentially could happen in terms of the an increase in trench width due to ground conditions? Yes, of course. Well, I'll start, there's kind of two points that I'd like to raise on that. So the first one would be so the loading of the cables, so the actual application of them on the ground and causing a settlement sometimes to spread that load across the ground, you might require a larger than conventional area, duty, you know, soft material, the main ground, so to take the load on one cable, and one on one trench might be the whole width of a corridor, therefore splitting it across two corridors would be needed.

09:37

We've had like an initial assessment to look at the corridor widths as they are and we think a one cable you should be able to specially spread a load there, realistically should be able to do both, but we need to reserve the position to have both open to split the array and spread the loads if need be, right. I wonder if we could just slow down a little bit and go back to the loading situation. And if

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I could just explain what I had got from that that particular section of your description, that the,

10:09

the weight of the cable would actually need to be spread across a width greater than the base of the trench to prevent excessive settlement,

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is that correct?

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potential if you've got a soft area, you will have the subbase of spread the load of it. So, you could Yeah, it depends on the remedial solution. This will be confirmed that detailed designs, there's numerous solutions that I can understand, I can understand how you would need to transfer the load or from the weight of that cable into a wider base of the trench by either using a different type of sub base or something which was more structural to spread the load better. But you're saying that could go even further to requiring a wider trench to increase the spread of that load beyond the width of a standard trench. So, know the trench. So, by that that's worded incorrectly so the trench width would not change the subbase would require would maybe only be suitable to hold one trench because the subbase is spread and the load of that trench.

11:17

The subbase would only be able to spread the load of one trench, right. Okay. So effectively, you would have to have another similar width trench for the other cable of the circuit. Yeah, hence, why if you need the two corridors, so to split the cable, because we're only one corridor would be able to take the you know, if you're spreading the load in some areas, and it could only take one trench, then the second quarter will be needed to split the array. Now we consider this unlikely, but at this preliminary stage, you need to reserve the right for the potential of these alternate corridors. For that reason, there's other reasons outside of settlement, you know, there could be obstructions that is deemed the removal of the structure and could be of

12:04

greater detriment than splitting the cable across two routes, depending on the structure.

12:09

There's numerous other routes or reasons I've listed further down in 9.5. I believe I list forever. But yeah, hopefully that answers the initial part. Right. Okay. I wonder if, if, when, when a summary is done of what has been said in this hearing that that section could be accompanied with a

12:33

some kind of diagrammatic representation to actually share what you've what you've just said, if you like in terms of the corridors and the trenches, very, very simplistic, and very, very general.

12:46

Just to explain the point, if you like diagrammatically Yeah, we can the kind of the potential solutions and requirements I can draw some sketch diagrams for obviously, this is only done at high level feasibility.

13:02

Detail design, these might or might not be quite my might not be required to write Mr. Kaufman, I've obviously got to be sort of half have an eye on the volume of stuff coming through. It's not really a body of work. I'm not calling it a post hearing note, I'm just saying a simple diagram just to show the load spreading that you have particularly Yeah,

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it was I could understand the need to avoid poor ground in certain situations. And I can understand the need to, if you like, spread

13:38

the cables out the circuits out into arrays to avoid things as well, just this loading situation. Yes, thank you. Thank you.

13:48

Um, in terms of the eastern side,

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in terms of paragraph 930.

14:01

At the bottom of that

14:03

paragraph, you mentioned

14:10

the eastern side, or even the south and west perimeter may not be able to satisfy settlement or contamination concerns.

14:22

And you've also mentioned the reduction in the available space for trenching

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on the south and west perimeters. Just wanted to understand what those what those restrictions are, if you like in terms of the restrictions on the available space. For trenching. Yes, I was specifically referencing there as a gas ventilation system currently in place with Milton common. Now, to ensure a detailed design we'll need to see how a solution the solution would need to make sure it does not impact

15:00

On that gas ventilation system, and yeah, that we're maintaining the operation or that or if it's all put in a temporary measure in to ensure the you know, the outcome of that operation isn't altered. So that's why it's all about spatial constraints on the south and west.

15:18

That'd be viewed a detailed design and develop the first part of your question was their second part. Right. Okay, that actually referred to the ground not being able to satisfy settlement. And I did wonder how that came back into the loading question that you were that you were talking about before.

15:38

I suppose that they are they are they are they interrelated? Because of the potential of a wider trenches then would be more difficult in an area where the gas ventilation system exists? Exactly. Yes. That they are interrelated. So.

15:55

Okay. Thank you.

15:59

I didn't have anything further on that.

16:06

Was there anything from anybody else on agenda item 9.4?

16:13

Okay, nothing heard.

16:16

And, Mr. Kaufman, I'm conscious that I'm going on to agenda item 9.5. Now, will you Mr. Jarvis. Will Mr. Kaufman still be the

16:26

voice for the agenda item 9.5.

16:31

Mr. Kaufman will be the principal person speaking.

16:36

Thank you. So, on then to agenda item 9.5.

16:42

This was to describe views on comparative depths of Maine made ground obstructions and variable grounds,

16:50

potentially vulnerable to differential settlement. soft ground and potential ground gas are not uncommon. I've looked through what you've put in. And I didn't actually have any specific questions from my point of view on it. Was there anything that you wish to add to what you've put in so far? No, there's nothing I wish to add. Thank you. Thank you. And was there anything from anybody else on this, which is agenda item 9.5.

17:16

Okay, nothing heard. Thank you very much. Thank you.

17:23

Amen to agenda item 9.6, then

17:29

this,

17:31

I had intended to take the position in relation to the falling away of options following detailed design within this agenda item.

17:44

Not specifically in terms of Milton common, but generally, but because it could relate to Milton common. And this is something which I had a response from Portsmouth on in terms of issues specific hearing one question 331. So, what I'll do first of all, I don't have any particular points that I want to raise on it. Mr. Jarvis. Was there anything that you wanted to raise just to start things off?

18:18

No, I think obviously, the information that's been provided by Mr.

18:22

Around conditions in motion common, I think that's the same well as to why this nature same flexibility it moves to comment. But Further to that point, and the query around options falling away. I'm conscious that it is something we have already discussed throughout the hearings to date, I have confirmed the position that essentially it would be concerned through detailed design, that also the applicant is amenable to including something in the order, which is a complimentary statement in relation to the option to be selected. And I consider they are matters that can be addressed in our deadline six admission, sir.

18:54

Right. Okay. on the basis that this was a suggestion that was raised by Portsmouth, Miss Calhoun, is there anything that you would wish to add on this at this time? bearing in mind that what Mr. Jarvis has just said?

19:11

So, thank you. I think that that well, short answer, no. I think that we'll wait and see what comes forward rather than trying to debate it ahead of time. I hope that's a helpful response.

19:25

Thank you. It was actually a suggestion that had come from the parties. So, I'm happy for the transfer of information to happen in that way. And then we will take a view on it at the appropriate time. Thank you.

19:40

So that completes section nine of the agenda. Was there anything else that anybody had in relation to Section nine which is consideration of alternatives and options?

19:54

Okay, Nothing heard. Thank you.

19:57

Amen to Section 10. And agenda item two.

20:00

10.1

20:05

the item here is for the applicant to provide an update on discussions with the crown estate. Now, obviously I have found,

20:16

I have looked to look through and I believe I understood the transcript. But I've got a couple of questions. I. But Mr. Jarvis, is there anything that you would wish to say in the first instance?

20:27

There's nothing I wish to add to the transcript, sir. But in relation to questions in respect of discussions with current state, it will be Mr. Alan O'Sullivan. That's responding.

20:38

Okay, thank you.

20:41

Right.

20:44

Mr. Sullivan, then I can see situations that are now looking at paragraph 10, three of the transcripts. And I am looking particularly at plots 166 and 167, which are in the farm just off Broadway lane. And they are on the access track, which accesses the converter station from roadway lane. They're relatively small parcels.

21:19

They're the owner of a capture,

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which would have been ended up with the crown, I believe is almost a home of last resort. It's often quite difficult to get to get

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a meaningful response from the crown on this.

21:39

So, I'm just wondering whether the development could be undertaken without the

21:45

relative plot, and I'm wondering if that is being considered.

21:51

Yeah, I've got some good news on that first. So, I think when we discussed the 11 kV undergrounding area. Yeah. Earlier today. Yeah. And the reason why these plots were included was to actually provide access to

22:09

the area where the 11 kV undergrounding may have required diversions further south. Yes, it is area. Yes. Yeah. As, as we're now refining that area, which will be subject to a further change request,

22:24

is looking most likely that these two pots will actually be taken out of the order limits. Right. Okay. So that would mean that that crown. Yeah. The Crown response on that wouldn't be required. Right. Okay. Right, we'll see how that goes.

22:45

Further down that paragraph 10.3.

22:51

And this may not be a similar situation, because it's not it's not the crown itself. It's a tenant of the of the crown.

23:01

Woods, the proposed development is, is 3.3 plot 321 necessary for the proposed development.

23:12

I don't know if that has been

23:14

considered at all. It's a similar position and plot. 321 is,

23:22

again, it's on the crown land. So, we're having discussions with Burgess salmon, who deal with land on behalf of the ground. And again, you know, we're working towards the resolution, which would satisfy the requirements of Section 135 of the Act. And we don't see any reason why it won't be possible to secure the permissions required over the sub soil in question. And so, I think, you know, what, we're happy to update further on that as the matters progress. Right. Okay. I mean, I think it is a situation that, that the, I don't know, land management of such plots is passed to another party and that other party isn't within the crown estate, and isn't given the same priority maybe is crown estate matters, but see how it goes on that in terms of plot 722 and that's mine mines and minerals underneath the a 27. Now, I know it's being micro tunneled

24:29

that, would that is it? I don't know, is it necessary to acquire the rights to the

24:40

compromised and merit minerals? Is it necessary to get any consent for the mines and minerals aspects of that particular plot?

24:50

Hopefully not, but discussions are ongoing. Okay, in relation to the approach to that land as well and whether that

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It could be with Burgess Salmon it could be with Womble bond Dickinson who are representing the crown on

25:07

other parts such as the non-born of a Fantasyland of I can refer to it as, as that. Yeah.

25:16

Right. Okay. Okay.

25:20

I didn't have any further matters I wanted to raise and the agenda item 10.1. Was there anything from anybody else?

25:30

Okay, nothing heard. Thank you.

25:33

On to agenda item 10.2. Then snacks just take a stab she undertakes. No. So, agenda item 10.2, which is an update on discussions with the Ministry of Defence.

25:46

I just had one question, and this was

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this was the one that actually related to a tenant and it's the end of paragraph 10.5 which relates to the

26:01

sector state defence, MoD land I believe it is and discussions taking place with their tenant Addington property, I was 608 and 614. I think those plots are more significant to my writing that.

26:16

Yes, sir. There are thereabouts, which may be required for the

26:20

other part within the order limits, which may be required for exercise of new connection works right in the future? Yes, yes. Right. Right. Okay. Just that. I mean, those discussions are ongoing, then. And then you said that, it could well be that they may well be agreed by deadline six. Is that still the case?

26:42

I would be quite hopeful of that. Yes. Okay. Right. And then

26:49

Secretary state for Defence early in 2021, just before the end of the examination.

26:56

Is that still the case?

26:59

Yes, that would be envisaged to be the case. Yeah. Right. Right. Okay. Okay. I didn't have anything else that I wanted to ask in terms of agenda item 10.2. Was there anything from anybody else?

27:16

Okay, nothing.

27:41

Right. Okay. I think that there has been a query from Doctor Downing from Portsmouth in terms of accessing some documents.

27:58

I'm not sure whether there is a question from Portsmouth on this, but it concerned preliminary landfall, okay, Blimey, landfall desk study locations, and the preliminary root desk study and site investigation.

Now, Miss Colquhoun and I just had a note about this. I'm not quite sure what the background to this is, is there possibly relates back to something that we've already dealt with?

28:23

quite happy to go back to. But are you aware of the background of this request that I've just had? And I'm afraid I'm not sir. I know that Mr. Downing has had trouble getting connection to the

28:38

meeting. So, I will. We went we had a perfect storm of having a WhatsApp group in which to communicate, but which didn't always work. And so, I apologize again for that, but I will endeavor to speak to Mr. Downing and perhaps we can update you on that tomorrow, if that's all right, sir.

29:01

Right, okay. I mean, I'm happy to do it now because it may well return Well, it may well refer to something that has occurred in the compulsory acquisition hearing today and if we can keep things together and all the better. If I can just clarify what I was talking about.

29:19

It's it says actually in agenda 30, Dr. Downing from Portsmouth has had difficulties accessing and wants to know where he can find the three dots referred to and they are the preliminary landfall locations desk study, the preliminary route desk study, they were 2015 April 2015 and February 2017. And the East knee and East Wittering routes detail desk study, June 2017.

29:46

So, if there's if Portsmouth want to make any points about those, then I'm happy to take a question from you at any time until I close the hearing, if I can leave it like that.

29:59

So

30:00

I'm afraid. Thank you. I, I have

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I think perhaps it is

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something we have to do, because I'm for doctors not aware of, of the questions and

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in particular that nobody else is asking me to ask these questions, so I can't ask you to consider it. Okay, thank you.

30:21

There will be, if it's if it's a subject that you that you want to raise, there will be other, there will be other opportunities, it could well be obviously, you've got the session tomorrow to raise it.

30:33

And I will deal with it, then if I can, I will still have obviously, the applicant and 18 present. And hopefully we can deal with it that way. If we can't deal with it, you can still raise it tomorrow. And I'll take it in written submissions from the applicant. I'm very grateful. So, it sounds to me as if it was it was potentially sent to the wrong place. But if we can help Mr. Downing find the documents he needs. That's absolutely fine. Right. Okay. It's I mean, this is this is technology. While we're speaking now, I have a group of other people speaking to me at the same time. And so, Mr. Downing is going to get his team to raise this particular point. They may well have seen it, but it'll be dealt with that way. So, we'd like to be picked up tomorrow, or missed somebody and Mr. Downing's team will raise it this afternoon. And if I can just leave it like that

31:24

is call him. Thank you.

31:26

Thank you. Right.

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So

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I was now at section 11. on the agenda

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and agenda item 11.1.

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I've got the

31:48

transcript and didn't have any point. Thank you. Thank you for that. Thank you for the updates in terms of statutory undertakers, they're often something which is, which lies at the side of an examination. And I'm grateful for the work that's been put into, into tracking these.

32:05

Mr. Jarvis, I didn't have anything particular that I wanted to raise following receipt of the transcript, anything from yourself? No, there's nothing further, I'd like to add. Thank you. Thank you. Anything from anybody else?

32:19

Okay, nothing heard. Thank you.

32:22

Sir, Richard Turney for Hampshire County Council. I just wanted to fly so late, that I misunderstood this from yesterday and missed the end of yesterday. But when do you propose to deal with section 278? issue the highways authorities, because that has some similarities on the issue of protective provisions?

32:44

Right.

32:46

When you mentioned it previously, I had envisaged that you might have raised something in section eight, highway land.

32:57

And I didn't actually have anything specific that I had picked up that you had queried in relation to Section 278. For this hearing, I had seen

33:18

your points in relation to

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8.1 and 8.8, point two and 4.3.

33:29

And because I hadn't seen reference to Section 278, I hadn't I hadn't put the two and two together.

33:36

I may go back to those. So, I misunderstood, but my understanding was that the question of 278 section 278 agreements was put over from yesterday to today's hearing.

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And

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perhaps, if I'm, if I'm wrong, someone will rapidly correct me on that. I don't know if the applicant was expecting to deal with that matters today.

34:00

If I'm wrong on that, and it's being dealt with in some other way, then I'm happy to raise the point that it was the point under section eight. It was a point under that we raised under the agenda yesterday. Yeah.

34:16

I can summarise the point. Briefly if it right, if I could just say first, first of all, then I only had three points that I believed were being brought over into this hearing. And I thought that

34:31

we had dealt with those already. And so, I wasn't expecting another point over from yesterday, but it could be that I've missed that in my notes.

34:42

I then have the two sections here that are

34:47

actually, county Council's position on agenda items for the compulsory acquisition hearing, 8.1 and 8.2. And that is document rep 5081

35:00

But I'm happy for you to raise the point.

35:06

I think probably, if I could,

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if I could get to get to the end of statute, I'm just wondering now, I'm happy to unhappy actually to take it now, because we've talked about, about matters relating to this. So far, in my mind, I probably don't want to get them to split up. I've got the section on statutory undertakers and statutory bodies. And then effectively, that is the body of the hip is the main body of the carrying completed.

35:37

So, I've just completed

35:41

agenda item 11.2. If I can just ask Generally, if there is anything that anybody else would wish to raise on the agenda item 11.2.

35:52

Okay, nothing heard. I don't see any further hands raised. I'm then happy now, to come back to what it seemed to be generic generically calling the section 278-point, Mr. Turney, and I'm happy to hear from you. And then I'm happy then to hear a response from the applicant and any parties who may wish to respond. I'm contend to do it that way. What I would say, first of all, is that I don't think I have seen I'm calling it the section 278 point. And I don't think I've seen

36:30

reference to Section 278, except in the discussion that we had yesterday, and the fact that there were a couple of post hearing notes relating to Section 278.

36:44

Well, so if I address that poperinge attorney for Hampshire County Council, again, if I addressed that point, first, it is a point that we've raised in our representations to date. And I can what I'll do in the post hearing submission and written summary, if I could just come in on that if I could just come in on that. My point was that I hadn't seen it raised in the transcripts that have been put forward for items for discussion if you'd like today. That was my point. I'm not saying it hasn't been raised previously. And I obviously had a record of what has been raised previously. I can go back to it that way, anyway. No, you're you're quite right. And I think that the slight confusion is the point was raised in our submission to yesterday, you know, in our transcript, but either but my understanding was, and I'm suffering a bit here because I missed the last 90 minutes of the session yesterday for which I apologise. But if I just can I just briefly say, and I think it does come under this sectional or at least, it's not too much of a stretch to listen to this section, because

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the development content or as it stands, contained, protected provisions for statutory undertake is and for highways England.

38:06

Network Rail, and the terms and effect of those provisions allow some of those bodies certainly in the case of highways England and Network Rail, to have an element of control over the detailed design of the proposals as they affect their undertaking their highway or their railway.

38:33

Under Section 278 of the highways Act, the

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highways authority and HCCs normal practice would be to secure an agreement that provides for control over the detailed design, this is not a planning design. The detailed design of highways work, such as making

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new junctions on the road, which are carried out by a developer, in this case, the applicant and the zoning authority well familiar with those agreements.

39:12

In this case, the applicant does not wish to enter into such agreements, and that's a cause of concern for HCC.

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The provisions that we need are approval over the detail not the planning drawings, but the detail of the

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layout of road junctions and so on. We need to have some system by which the highways authorities indemnified for those works. And we also need and specifically I think, at the love Dean side, we need

provision for the dedication of part of those works, namely visibility splays, which we understand and should be dedicated to as highway to ensure their long term maintenance. So there's

40:00

a basket of matters, I haven't tried to pick up everything. That's just by way of summary. And in other development consent orders, where the applicant does not wish to pursue a set a separate section 278 agreements or a signed agreement with the highways authority, whether under two, seven days or otherwise, protected provisions have been inserted for the protection of the Highway Authority that allow for that approval of detailed design. It's not a novel proposition. It's one which actually is largely reflected in provisions already in this DCA for highways England. And essentially, what we're seeking today is definitely authorities encouragement to the applicant to either prepare some protective provisions or to come back to the table on the question of the section 278 agreement, because we do need to ensure that the highways authority is able to deal with the matter of the detailed design of interferences with its own highway. And if those things don't work with an indemnity

41:07

for the highway's authority in respect of liabilities that come from that, and probably also some sort of some form of bond. And I know that's a matter which the applicant is looking at. But we need to think about how that's going to come through into the DCA and whether through a separate agreement, which the applicant can refer or whether it's on the face of it through a protected provision.

41:36

Thank you, right. Thank you, just before I pass that across to the applicant, so we do have

41:45

a post hearing note from the request for a post hearing note to the applicant concerning section 278. Amongst other things from yesterday, we also had a post hearing note request to yourself about section 278 matters and other things from yesterday. But I'm more than happy for you to raise this matter today. And for us to have a further discussion about it.

42:11

That is the point that I may have missed from yesterday, the

42:16

we may well have a position here where the

42:23

the Highway Authority, Hampshire County Council may well could put forward what they what they would see to be an acceptable protective provision. And then in terms of the examining authority, we then have to do documents to compare if it if it comes to that I'm not sure what the extent and the bespoke nature of such a such a provision would be how easy it is to draft, whether it can be lifted from elsewhere. But that that might be subject to any further discussions that you can have with the applicants that that might be the way forward so that effectively as the examining authority, we've got the positions of both the applicant and your authority there before us. But maybe we aren't at that stage

yet. And so it could well be that there is more that can be done between the parties, it could be that the post hearing notes might unlock certain prospects, if you like leading to a sort of, you know, some resolution, if not full resolution.

43:30

So that's just my point on where perhaps your county council might wish to go with this particular matter. I don't know if there's anything that you would want to come back on that. Mr. Tony, before I go across to the applicant? Well, Sir Richard, Tony, for Hampshire County Council, and I appreciate that guidance. And certainly, we have been contemplating that approach we, with the applicant is our draft, or our generic standard form section 278 agreement. The applicant doesn't wish to pursue that, as we understand it, so haven't come back with comments on it. But I think it sounds at the next stage is if the applicant isn't going to either pursue section 278 or volunteer protective provisions, we will look to draft up protective provisions which will reflect drafting that's been included in previous DCs and in this DCA for similar protection and move on to that but I think perhaps another round of discussion and let's Miss Mr. Jarvis says No, Mr. Attorney, you've had your chance and as far as the applicant is concerned, that discussion is over. I think a further discussion with the applicant would be more sensible before we start bombarding the examining authority with rival drafting on protecting visions. Well, I leave that I leave that for obviously the parties to decide between themselves. But as I said yesterday, parties may well be

45:00

Get to a position where they have their individual positions. And those are just put to us. Right. Thank you, Mr. Turney. Mr. Jarvis.

45:11

Thank you, sir.

45:13

Two points. So, the first one is just the comparison that's been made to highways England. I think that's the point was made yesterday. And I do appreciate that Mr. Turney did have stepped away. So, he would not have heard

45:24

my comments in that regard. The protective provisions for highways England are not in relation to highways works or not analogous to carrying out works in the highway, they are geotechnical matters to secure the stability in connection with HDD. So, I wouldn't think that they are comparable in this circumstance. The second point is the point I made yesterday afternoon. And the point I made earlier today is that we will seek to reach agreement with Hampshire County Council on this point. So, I don't think we are at a stage where it would be necessary for Hampshire County Council to start and submitting protective provisions of their own for us to consider them for the examining authority to consider. I appreciate time is a factor in this respect. But I assure Mr. Turney and Hampshire County Council that I am giving this third thought and I will be looking to speak to them in due course and to seek a satisfactory agreement for both parties. Thank you, sir. Thank you.

46:18

Was there anything else on this list attorney?

46:22

Well,

46:23

I heard what Mr. Jarvis said yesterday about how amazing that we don't accept That's correct, because that's about the protection of the highway. And we're talking about the protection of the highway as well. But it doesn't much matter, because of the helpful indication from Mr. Jarvis that we'll take it offline. So that that seems like way forward. And we're grateful. Thank you, Mr. Jarvis. Anything else before we move on?

46:48

Thank you. Thank you.

46:51

Right. So, I believe that I had got as far as item

46:57

11.2. Agenda Item 11.2.

47:02

Mr. Tony, I can still see your hand raised. I presume that'll come down in a moment. Thank you.

47:07

Agenda Item 11.3, then

47:12

this is the applicant to set up briefly, the weather protected provisions are in a satisfactory form agreed with the relevant parties.

47:22

I then have the response in the transcript.

47:27

And, again, as I as I said before, in terms of statutory undertakers, I'm grateful for this gives us an update as to as to where the protective provisions are, and gives us

47:43

some something in the examination to show that. Okay, it is from one party, but it indicates that a level of agreement has been obtained with the various parties. So that is useful. Thank you very much.

48:01

Mr. Jarvis. Was there anything else that you wish to say? I don't have any particular questions on them? Was there anything else that you wish to say in terms of agenda item? 11.3?

48:11

And I

48:13

wish to answer Thanks. Thank you. Um, was there anything from anybody else?

48:18

Okay, nothing heard. Thank you.

48:27

I'm going to change what

48:30

I thought I might've heard, misquote.

48:33

You did so I'm sorry. I was too slow to put my hand up.

48:38

Looks fine. Very briefly, that I think it is probably sensible for Portsmouth to

48:46

remind the, the applicant and, indeed, probably point out again, to you, sir, that,

48:54

again, we're in a similar position to Hampshire with regard to protected provisions and how we try and

49:02

work through a section 278 issue as it were. So, we will also involve ourselves with those discussions with the applicant if they're also willing to do so.

49:16

Right. Yes, I because I was because I was discussing the matter with Mr. Attorney. There was also a post hearing note request to you yesterday to Portsmouth yesterday, in respect of trees, and section 278 matters, if I can call them that. Yes. So, all the two authorities are at the same stage, if you like it, thank you.

49:40

Right. Anything else on agenda item? 11.3?

49:45

No, thank you.

49:48

Agenda Item 11.4. This relates to the Environment Agency, and the current position of the applicants Environment Agency aren't here. So, the current position of the applicant

50:00

The statement of reasons and book of reference. I've read the transcript that was provided. I don't have any further matters that I wish to raise is Mr. Jarvis. Is there anything from you on this? And nothing further? Thank you. And is there anything from anybody else?

50:18

Okay, nothing heard. Thank you.

50:21

Agenda Item 11.5 is update on discussions with natural England in respect of Denmead meadows. I've got the transcript and have nothing to raise on the transcript. Mr. Jarvis, anything from you.

50:38

Just to add that discussions are ongoing, and further information, I believe has been provided to natural England to further this issue. And when we can provide a further update, we will do so. So thank you. Thank you. Anything from anybody else?

50:54

Okay, nothing heard

50:56

on to agenda item 11.6. That concerns various parties and their appearance in the statement of reasons in the book of reference. I've got the response in the transcript. I don't have anything to raise in respect of that. Anything from you? Mr. Jarvis?

51:16

No, thank you. Anything from anybody else?

51:21

Okay, nothing heard. Thank you.

51:24

Agenda Item 11.7, which is relates to our WP renewables. UK limited? I didn't have anything to raise on that. Anything from you, Mr. Jarvis.

51:39

And anything from anybody else?

51:43

Okay, nothing heard. Right. So that completes section 11 have the agenda.

51:53

Was there anything else that anybody wanted to raise in relation to Section 11 of the agenda?

51:59

Okay, nothing heard.

52:02

That actually completes my substantial involvement in the hearing today. I'd first of all, obviously like to thank you all for your contributions and for the efforts that you've made in keeping the compulsory acquisition hearing as structured as possible, which I believe I believe it has been, it's gone a long way on a number of matters. Thank you very much.

52:23

We do actually have the further compulsory acquisition hearing tomorrow compulsory acquisition hearing to that before I effectively leave this role. Is there anything else that anybody would wish to raise with me?

52:37

Okay, nothing heard. Thank you. That being the case, then I will now pass to the lawn for agenda item 12. And onwards. Thank you.

52:52

Thank you, Mr. Roscoe.

52:54

I've been attempting to keep a list of post hearing notes as we've gone through it. My handwriting isn't what it used to be. I'm not used to it. But if I could just go through those. And Mr. Jarvis has got anything additional could let me know. I've got eight items. But I think some of those are going to be combined into one or more notes.

53:13

Excuse me. So, my first one

53:16

is to cover points relating to the pink land north of the telecommunications, building and east of the access road. And the reasons for its inclusion in the order limits.

53:27

The second one I have is the reasons for the breadth of the blue land at Anmore. And the relationship of this with the potential constraints that might be governing it I think that's plot 183.

53:44

The third one is to provide clarity on the vertical definition between the highway land and the sub soil beneath the highway.

53:57

The fourth one is to deal with the definition of permanent limits. I think, earlier in the hearing, Mr. Jarvis, you undertook to change the definition of permanent limits for deadlines six. But then we did go on to suggest that there should be a better term for it. So, it's not just now the definition is also the term to be used.

54:22

The fifth note I have related to the KPMG 2019 report.

54:29

I think this was an action for deadline six, perhaps rather than the post heavy note, but we'll leave that to you. You can see what was possible to provide to us from that report and also the EFF off cam report and the CRA report

54:45

to give us a bit more comfort about the availability of funding that was provided to those bodies.

54:54

I'm now number six, which relates to potential deviation of works.

55:01

The areas of occupation on the special category land.

55:07

And that's to include the reinstatement phase.

55:15

The next one was to confirm that in relation to join pace, they will not be heading in the allotments. And the deletion of accept were unavoidable, unavoidable if that does indeed apply.

55:31

And my final one, or just on that point that I wasn't intending to go back and correct the response I've given before in response to the fast written questions, but I will concern the traditional equivocally, there won't be joy closing the alarm. That's fine. Thank you. Yep.

55:47

And then finally, number eight,

55:50

I'm not quite sure how I'm going to pre see this one. It's basically the surface restrictions associated with HDD boring, and the width of the protected band that's associated with the four bores in combination. And the reduction of the protected zone as it were within the order limits once the exact locations and depths are known. And I think that is the offset. And the figure of five metres either side was mentioned at some stage by our experts, if that could be confirmed as well.

56:22

And I think we've extended that to if we're assuming the use of the initial drill design, which was also mentioned to us whether we could include the international aspects and how these relate to the temporary powers and the permanent powers.

56:37

I hope they make sense to you.

56:40

They did just that. I'm not sure whether it's a post hearing note or not. But we also have with regards to providing a drawing

56:48

across rows and columns to explain the

56:51

that's fine. Thank you very much. Did any of my colleagues have any other notes? I've missed that. Mr. Martin, just before we proceed, in terms of agenda item 4.3. I thought and I'm not sure whether this is covered in the list that you've just said Oh, not we, I had identified

57:11

a general note to cover anything said in 4.3. And further detail of what was said in 4.3, which wasn't in the transcripts. In other words, to go through to go through the route and get it identified in a in a standalone document additional things that have been put in in agenda item 4.3.

57:31

I just wonder if that makes sense to Mr. Jarvis. And also, there was

57:41

a post hearing note from Mr. Turney in terms of a plan of action for depths

57:49

and concerning the street Works Act,

57:54

what they would actually be

57:56

looking for. And Mr. Attorney may or may not confirm that that is correct. From what I saw there. Those were tuples. And my third and final point, then, was that when you spoke about the special category, land, and the use of the open space for the post hearing note,

58:17

we also had durations in their durations of occupation, which was an important point. Right? So I wonder if it just needs confirming with Mr. Jarvis and Mr. Turney, that my interpretation of those particular bits is correct or not. Thank you. In terms of 4.3, I think at least three of my points actually related to that. So hopefully, Mr. Jarvis can expand that to cover the entirety of anything new in 4.3.

58:45

Okay, with that,

58:47

says, Mr.

58:50

and Mr. Bird.

58:53

Apologies for that.

58:57

We have, we have got a note for that. And the first points you raised about plots 132 and 183 are being in the general note, which will provide an in response to the issues raised under question 4.3, as identified by Mr. Roscoe. And so, there was one other note which I don't think you've picked up to do. I may have missed it. Mr. Kaufman referred to the issue of bentonite at the allotments and the reference to the relevant standards, and he was asked to provide a note on that. So that's also on our list as well. Yeah, thank you. There were quite a number of other action points, which we didn't necessarily refer to post hearing notes, but to deadlines, six submission, but as long as they're covered in those will be very grateful.

59:43

And Mr. Turney, Did you recognize what you were asked to do there as opposed to hearing No.

59:50

Sir Richard Turney Hampshire county council, I recognize the point, but I'd rather thought it was for the applicant to give us something as to how they thought debts would be dealt with.

1:00:00

But again, maybe that's something we can discuss together with them. I think it was primarily directed at the African. But if you could be involved in those discussions, so we get a definitive answer, which everybody pre agrees in advance, so be a huge help to us. Very grateful. Thank you. And I just for me,

I'd contend that isn't a specific request time content for it to be dealt with, because it's just been explained.

1:00:27

Does anybody else have anything else in terms of action points and post hearing notes?

1:00:34

In which case, can I move on to agenda item 12? That's any other business? Is there any business from anybody in relation to this compulsory acquisition hearing?

1:00:47

I'm not hearing or seeing anything social move on to agenda item 13. And I'm going to bring this compulsory acquisition hearing to a close. Please remember again, that the next formal deadline is deadline six on the 23rd of December. And we'd be grateful if today's speakers could provide written summaries for all submissions by that date. Once again, thank you all for your attendance, your patience and contribution. And despite their technology, we got through it very well. It was all very helpful. Thank you very much.