

Hynet_7 June_CAH_PT2

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FULL TRANSCRIPT (with timecode)

00:00:05:10 - 00:00:35:16

Right. Welcome back, everybody. There now. Now the time is 1136. It's time to resume this compulsory acquisition hearing. This is session two. And we're moving on to agenda item three, which is individual objections issues and voluntary agreements before do so they can. Um, I'd like to welcome everybody back. Um, and can the case team confirm that, uh. They can hear me. The live streaming and digital recording is in progress.

00:00:35:18 - 00:01:06:17

Thank you for that confirmation. Right. I'd like to start in terms of individual objections issues and voluntary agreements with Chester West and Chester Council. In its response to first written questions, they stated affected land is being assessed and a response will be provided at a later deadline as soon as the information is available and that the Council had limited contact from the applicant regarding the acquisitions and the reserved its position.

00:01:06:19 - 00:01:24:21

In regard to this, I'd invite Chester West and Chester Council to or Cheshire West and Chester Council. I apologize for that. All their representatives to make an oral submission in regard to the land within its control, which is the subject to the proposed compulsory acquisition and temporary possession. Please.

00:01:26:06 - 00:01:30:18

Michelle Spark on behalf of Chester West and Chester, Cheshire West and Chester Council.

00:01:30:22 - 00:01:31:07

I'm so.

00:01:31:09 - 00:02:06:27

Apologies. I'm doing it now. It's my fault. Sorry. Um, so my instructions are that there has been limited negotiations with the applicant in regards to the land required either to be compulsorily acquired or temporarily possessed. And we have received some heads of terms in respect of some of that land. Um, but there needs to be some further engagement and we would welcome that in relation to the interaction between that land and the Council's operational land or current use or its aspirations for that site.

00:02:07:05 - 00:02:14:23

Um, and, and in a nutshell, we would, we would welcome an offline discussion with the applicant and as soon as possible.

00:02:23:26 - 00:02:26:10

And invite the applicant to respond, please.

00:02:32:02 - 00:02:50:20

Thank you, Sir Paul Majidi for the applicant and we concur entirely with Akins, Love said. We have said, heads of terms that we do need to have a discussion. We agree entirely. There are a couple of points that we think can be fairly easily clarified, such as the interaction with streets and highways, and we would look to set that up in the near future.

00:02:51:06 - 00:03:26:03

Okay. I'm not suggesting this is an action point, so there's no need to mark it as such. But obviously it's important that you get these matters resolved as soon as you can. There is only limited time within the examination. We clearly are closing in September. We're required to do so by law on the I think it's the 22nd of September we close. Um, and if matters aren't resolved by then, they can't be entered into the examination domain as such and we can't take them into account.

00:03:26:10 - 00:03:43:27

So it's in your own interests to resolve matters as fast as you can and I'd advise the examining authority before the close of the examination, because otherwise we will not see and we cannot take any of those agreements that you may reach post closure of the examination into account. Thank you.

00:03:45:23 - 00:04:11:04

All right. Okay. Does anybody else have anybody, anything they want to say with regard to what they've just heard from Chester West, Cheshire West and Chester Council, please. Yeah. Okay. In that case, I'm going to move on. Um, and I'm going to ask Flintshire County Council, um, or less. Chester West and Chester, Cheshire West and Chester Council. Want to say anything else? Do you want to say anything else?

00:04:11:07 - 00:04:12:29

No, sir. That's all for now. Thank you. Thank you.

00:04:13:21 - 00:04:43:27

Um, I was just making an assumption you'd said everything. So without checking, um, Flintshire County Council. Um, I'd like to come to you next. You've provided a limited response in regard to compulsory acquisition and temporary possession of land. But in your relevant representation, which is our zero 34. Um, the council commented that it was seeking general clarification regarding potential effects on the management of nominees of County Council land affected by the proposed scheme.

00:04:44:09 - 00:04:50:07

Um, I'd like to invite you to all your representatives if present, to, um. Um.

00:04:53:12 - 00:05:10:05

Who, because of your interest in the land affected by the DCO to make an oral submission concerning land which is under your control and which is subject to compulsory acquisition and temporary possession. Now, if you'd like to. Do you want to add anything to what you've already said, bearing in mind the generality of it? So.

00:05:12:17 - 00:05:44:07

Thank you. Susan Corder, Flintshire County Council and Flintshire County Council is in the similar position to Cheshire West and Chester Council and we've had limited negotiations. We have received some heads of terms and we're looking for further engagement with the applicant to understand the effect that the Berlanti will have and on the land itself and also in relation to our operational land and the lands that Flintshire is to be acquired from. Flintshire is principally highway land, but there are areas of freehold as well.

00:05:49:00 - 00:05:51:01

In the applicants respond to pleas.

00:05:53:18 - 00:06:07:19

For the applicant. Again, so we concur that that's an accurate summary of the position. We do need to set up further engagement. That is absolutely a priority for us and we are very cognizant of the point you raised around the deadlines and the close of the examination.

00:06:08:06 - 00:06:40:20

I mean, it's not um, a lot of the comments that we had were about limited engagement. And clearly it's not for me to judge how you should engage with people or not engage with people. But as I say, it is in your own interest to resolve as many of these issues as you can before the examination closes. And the sooner you can do them, the better it is in terms of the progress through the examination. If. This is say we've got until September to to before the examination closes.

00:06:40:22 - 00:07:03:29

And, you know, if the intention is to negotiate a lot of these issues so that the objections are removed, then that's a very short period of time to actually achieve that, bearing in mind the amount of negotiations you've got to do so. So as I say, I do seriously encourage you to move forward, won't won't keep labouring the point, but do seriously encourage you to move forward as quickly as you can with these negotiations.

00:07:05:24 - 00:07:39:00

Um. Cheshire. Sorry? Flintshire County Council. Do you want to add anything else? Okay. Has anybody else got anything they want to say with regard to what they've heard from Flintshire County Council? There's no indication in the room and there's no indication on the screens here from virtual parties. Okay. In that case, I'm going to move on to the Canal and River Trust. Now, this is in regard to plots 803 and 9-06.

00:07:39:05 - 00:07:47:02

I don't know if the the applicant's case team have got access to the land's plans to display plot 803 first perhaps.

00:08:00:12 - 00:08:17:15

Okay. Thank you very much for doing that. Um, would the Canal and River Trust or the representative like to make an oral submission? And if you do need the land plan change to the alternative plot, can you just let us know? And and it will be moved to that plot so that you can see that at the same time?

00:08:18:26 - 00:08:28:17

Yeah. Thank you, sir. James Garbutt Ward hand away on behalf of the Island River Trust. And. And now I think that's the only land land plan will need.

00:08:28:28 - 00:08:35:00

And hopefully I can just ask you to move your mic down closer to your mouth because. Because I can't quite hear you very clearly.

00:08:35:02 - 00:08:36:18

So is that better?

00:08:37:00 - 00:08:39:22

Yes, it's much better, actually. So super.

00:08:39:24 - 00:09:15:26

Thank you. Hopefully I can summarize the trust's concerns relatively concisely. Um, the trust raises no objection to the applicant obtaining a long lease in respect of the necessary subsoil to lay the pipeline underneath plots 803 or indeed the temporary possession of that part of the canal bank adjacent to the the A. 41. Think that just recognizes that crossing the canal at some point will be necessary for the scheme and that the amount of land included in the order is proportionate.

00:09:15:28 - 00:09:59:09

And indeed the applicant has agreed to reduce the width of plots. 803 post submission and the trust. Thanks the applicant for that. Um, but but I do wants to raise a small but important points and it's similar to those raised by the two councils actually around the test of necessity and around the extent to which the applicant has pursued reasonable alternatives and made attempts to acquire the land by negotiation and make the point not just as a matter of principle, um, but because having having its land acquired compulsorily has some significant practical consequences for the trust.

00:10:00:06 - 00:10:35:07

Um, the trust is, is perhaps unique in being not only a statutory undertaker, but it's also registered charity. And perhaps above all, it holds the the Canal Network on Trust, the DEFRA and the Secretary of State. And as a consequence of that multi-layered status, it's got significance, internal and external reporting requirements. And um, they are made materially more difficult after the event. Um, for example, if a is made rather than the rights being acquired voluntarily.

00:10:36:18 - 00:11:22:15

Um. And in addition, the valuation of the rights we're talking about a minuscule in the grand scheme of things. Very different. It's a developable land. So the the costs of dealing with assessments of compensation, etcetera, are completely disproportionate to the to the values claimed. Um, but the trust has unfortunately had some recent examples of negotiations being pushed somewhat into the long grass prior to the order being made and all of them being made, and promoters then ending the negotiations and proceeding by way of.

00:11:23:12 - 00:11:58:17

And that has resulted in some abortive costs on the part of the trust, which is difficult for it being a charity to, to absorb. Um, but more importantly, some of the long term protections in terms of users of the canal, potential future works to do things like reinforce canal banks, etcetera, where there are apparatus under the canal. Those things are much better documented in the terms of the long lease rather than dealt with solely through protective provisions in the order itself.

00:12:00:02 - 00:12:33:07

Um, the Trust's suggested solutions. So in the event that the long lease isn't agreed prior to the making of the order is to include within the Trust's protective provisions in schedule ten. Um, a provision is applying the applicant's compulsory purchase powers without trusts, reasonable consent, or making the powers subject to that reasonable consent. Similar in a way to that afforded to utility undertakers apparatus.

00:12:33:16 - 00:13:13:24

Um, so while I can't say the trust would have no intention of acting anything other than reasonably in the event it doesn't, the the orders arbitration provisions could be relied upon by the the applicants in those circumstances. And then if so, I should add that the applicants down the trust have begun some discussions over the terms of the long lease and understand revised sets of terms were received by the Trust yesterday on the 5th of June, and my instructions are that subject to those terms being agreed, the Trust can act very quickly and is confident that the long lease can be agreed prior to the close of the examination.

00:13:13:26 - 00:13:29:19

But in the event this isn't then. So our our solution would be to include those provisions, um, in the protective provisions. And the protective provisions themselves are under discussion between the applicants and the trust's legal teams.

00:13:31:18 - 00:13:58:25

Okay. Just in terms of the protective provisions. I understand what you're saying. We are holding a development consent order issue specific hearing tomorrow and protective provisions is part of the agenda for that as well. So if you wanted to expand on that, you're welcome to do so at that time as well. Um, do you have anything you wanted to continue to say or. Um, because I'm conscious, I've just cut across you so.

00:13:59:16 - 00:14:04:19

They haven't said I've finished. I've got no specific concerns regarding the plot.

00:14:04:21 - 00:14:17:22

In that case, I'm going to ask the applicant to come back in the first instance. I'm might have some questions after that. If, if you can come back in a second if that's okay. Back to the applicant for a response, please.

00:14:19:02 - 00:14:49:22

Thank you, Paula. For the applicant. We would thank the trust for that fair summary of the position. We agree with it. I note the theme of the need to push on with negotiations and would assure both the panel and the affected parties. My clients are in the room. They are hearing this. This is a priority and we are seriously trying to push on with that. We are taking this very seriously. We do not want to have to use compulsory powers rather than leases where we have got agreeable IPS.

00:14:49:24 - 00:14:51:14

That is just not our intention.

00:14:52:15 - 00:15:11:08

Okay. Thank you very much. Does anybody else in the room have something they want to say in relation to what they've heard from the Canal and Rivers or River Trust? Okay. In terms of my questions for the Canal and River Trust, just a couple of points of clarification. Um, you were talking about

00:15:12:27 - 00:15:45:17

you being a statutory undertaker as well as a, um, charitable charity, a registered charity, and you were talking about costs being disproportionate. Um, can you just clarify what you mean by that? Do you mean that in dealing with compulsory acquisition and temporary possession negotiations, it's a cost that the the trust are having difficulty meeting? Or do you mean it in another sense? I wasn't quite sure what you were getting at at that point.

00:15:47:17 - 00:16:17:21

Fair question. Think the example the trust has encountered is in relation to its own special fees. So external solicitor, surveyors, etcetera where costs are met. Um, as part of the negotiation process, it's often the applicants who will cover a reasonable sum in respect of those where the compensation is agreed after the event. Some of those costs are lost.

00:16:17:24 - 00:16:20:03

Um, because we're in a different.

00:16:21:25 - 00:16:40:03

Period of negotiations. And on those rare occasions where the matter is dealt with by the tribunal, those those costs are not necessarily all recovered or recoverable. And in addition to those external costs, the trust internally spends a lot of time.

00:16:42:11 - 00:17:00:29

Progressing these negotiations. And then off the back of that reporting to the various bodies to which it needs two reports. So even for a relatively small area of land such as this, the costs to the trust can mount up internally and externally.

00:17:02:16 - 00:17:22:28

A. Okay, I'll come back to that in a second with a question to the applicant. But before I move on, my other question for you was there was two instances where you mentioned I mean, clearly I know what you mean by that, but can you just explain to other people that don't or aren't aware of what the acronym is, what it means, please.

00:17:23:09 - 00:18:05:22

Apologies, of course, A stands for a general vesting declaration, which is one of two mechanisms by which an acquiring authority benefiting from compulsory acquisition powers within an instrument such as a development consent order may obtain legal title to land included within the order limits. And once the acquiring authority makes that general vesting Declaration, the areas of land, including in that, will then transfer from the landowner to the acquiring authority on a specified date.

00:18:06:00 - 00:18:17:28

And compensation is either dealt with by agreements at that time or may be dealt with by the Lands Chamber if agreement cannot be reached.

00:18:18:20 - 00:18:48:25

Okay. Thank you very much for that explanation. It was just so that people unfamiliar with the term would know what you were actually referring to. Um, coming back to the applicant. Not that I'm asking you to, to respond. Now. It isn't something that that we need to discuss as part of the examination, but I'd urge you to speak to the Canal and River Trust and any other party that clearly needs assistance with professional fees. I'm sure, sure that you can speak to them and see if you can assist them in any way.

00:18:49:07 - 00:18:57:03

But as I say, it's not for for me to tell you how to do it. It's it's something that I'm sure you were thinking of in any event. Okay.

00:18:59:29 - 00:19:02:09

You can respond if you want to. You look like you want to.

00:19:03:11 - 00:19:16:17

Thank you, sir Paul. For the applicant in terms of negotiation costs for the leases. We have made an offer to cover what we consider to be a reasonable sum for those That's clearly outwith this process. Compensation costs. Again, I would submit this.

00:19:16:22 - 00:19:50:04

I completely agree. Both of those are outside the process. It's just that if people mention them, you know, it's it's appropriate to to raise it as an issue for you. It's not an issue for the examination as or the examination authority as such. But clearly it's something that is within your gift potentially to agree with the Canal and River Trust and any other party. So, um, in that case, I'll move on. Thank you for the Canal River Trust's involvement. Has anybody else got anything they want to say with regard to Canal and River Trust? No.

00:19:50:09 - 00:20:19:26

I'm getting no signal on virtually either. In that case, I'm going to move on to the Environment Agency. Now, this is plots 602603, six, ten and 611. They also raised a question with regard to other plots, but I'll come to that in a minute. Um, I'd like to firstly invite the Environment Agency to make an oral representation with regard to those plots I've just mentioned, which is 6602603, 610 and 611.

00:20:27:15 - 00:20:36:13

Emory McLaughlin Environment Agency. Um. Guess if there's any. Comments. I would defer to Darrell Spittle in this instance.

00:20:38:15 - 00:20:39:00

Thank you.

00:20:48:18 - 00:21:20:09

Other stories, little cartoon from the Environment Agency. This obviously is in part of the concerns. But we just received the head of terms for this particular section here. So apologies have sort of recently been sort of interrupting this particular area. So I'm just catching up. And one of the points we were sort of revising this through the head of terms and from the construction process is that one of the concerns we're looking at here is the potential for future development of the river and other works that could be curtailed by the proposal.

00:21:20:11 - 00:21:42:04

So again, it's probably sort of more of a conversation to have direct with the applicant over the actual engineering and specifics of this particular area of the route here at 606. And one of the questions we did have was what was the reasons for the temporary occupation? And I think is it hatched in pink lines? Can't see the plan very well there.

00:21:44:09 - 00:21:56:29

And then one of the other questions we have was that of the future access and future maintenance, were there any sort of changes and the things that could sort of materially affect how the Environment Agency maintain that river going forward?

00:22:00:03 - 00:22:09:02

Okay, that's understood. Before I go back to the applicant, are there any other points you wanted to make with regard to any of the other plots that I've mentioned?

00:22:09:18 - 00:22:46:17

I think there are some areas that have been highlighted that were not actually in the EA's concern, and I'm sure they will be able to clarify that. But in terms of where we are now, it was just to again probably review more of the heads of terms of just come through to us. And just one of the things it's looking at really is the impact this has for future maintenance of this area, because obviously what we'll have here is a set of rights for the acquiring authority. And then you have the statutory rights that they have. And obviously there's going to be a clash there. Who goes what and who does where? So it's again, probably for a different discussion to understand that those implications on how they're going to interact with each other.

00:22:48:09 - 00:23:22:16

Okay. Okay. Thank you very much. In that case, I'm going to go back to the applicant. Mean, clearly, I think that the applicant's response is probably going to say that they will come and speak to you with regard to the engineering issues that you're you're highlighting there. It's possibly not appropriate to go into them in any detail in this this compulsory acquisition hearing, but it's a matter for you to

resolve and to understand between the two parties, um, and then advise us of the outcome as such, but will go back to the applicant and ask if you got a response you want to make.

00:23:23:26 - 00:23:25:04

Parliament. Giddy for the applicant.

00:23:25:06 - 00:23:55:09

Thank you, sir. You are correct. We need to go and speak to them. I would highlight that it would not be our intention, for example, to create a clash of rights for the statutory functions, including access to flood maintenance. We are not seeking to supply any such statutory rights and would actually seek to accommodate them proactively where we could. And the have asked for a brief set of protective provisions and they are also under negotiation which could clarify such points. It would be of assistance to them. We will engage with them further.

00:23:55:21 - 00:24:09:01

Okay, understood. Thank you very much. Um, thank you for the in that regard. Does anybody else in the room got anything they want to say with regard to the comment that they've heard from the Environment Agency or even online?

00:24:10:17 - 00:25:00:09

I'm getting no indication at all. So in that case, thank you very much to the Environment Agency for explaining your concerns just before you go. Um, I note that, um, you sought clarification on certain other plots as to why you've been identified as an occupier or reputed occupier in the, in the book of reference. And those were plots. 1-041061-07. Um, and there's, there's a number of plots. I won't list them all, but there were a significant number of plots. Um, the applicant responded to you in regard to, to why they'd identified you in rep 2-038 where it basically advised that the er have been consulted as they'd been identified on a precautionary basis as the occupier or reputed occupier in relation to those potential interests of a main river falling within the within those plots.

00:25:00:23 - 00:25:20:01

Can I ask whether or not the Environment Agency is satisfied with the response that they received from the applicant in that regard, or whether they have anything else they want to say in regard to those specific plots that were they were querying why they'd been included in the book of reference. Thank you. Is the Environment Agency able to respond to please?

00:25:20:24 - 00:25:55:26

Anne-Marie McLaughlin, Environment Agency. Yes, we're satisfied with the response as part of the deadline free submission for the Environment Agency. We are happy that in the other consents and licences document that it's been identified that for any works near a main river in proximity of a main river, which is why these plots were identified, that the applicant would seek to obtain a flood risk activity permit where required. So in that case we're satisfied with the applicant's response.

00:25:56:21 - 00:25:57:24

Thank you very much.

00:26:03:21 - 00:26:11:12

Okay. Thank you. That's all the questions I had for the Environment Agency. Again, just checking that nobody else wants to comment on anything they've just heard.

00:26:12:27 - 00:26:52:05

Nope. In that case, I'm going to move on. National highways. National highways. Um, wanted to initially speak with regard to plots 506509 and 705. Um, they actually are present today, but only in terms they indicated they were only going to be in an observational capacity today. But I would like to

ask them some questions if at all possible. Um. A note your objection, particularly in regard to the safeguarding of national highways interests and safeguarding the integrity of the strategic road network, specifically the M50 three and the M50 six.

00:26:52:21 - 00:27:13:19

But I would invite National Highways or their representatives to make an oral submission if they wish to. Um, with regard to those plots, bearing in mind they're here in an observational capacity and can potentially take part. Um, and I'd ask them if they want to, to have, to, to say anything in that regard.

00:27:15:07 - 00:28:13:09

Hi. Tansy Galvin here, senior lawyer at National Highways. Yes. As you've indicated, we're here primarily in an observational capacity today. We don't have any substantive updates beyond those that we've given in written representations previously to the examination. Um, however, I'm very happy to give a summary of National Highways current position. Um, if that's okay. It should only take a couple of minutes. Yes. Um, so as set out in previous submissions, National Highways notes that compulsory powers are sought in relation to land forming part of the strategic road network being, as you say, the M50 three and the M56, including acquisition of the subsurface of the carriageway itself at two locations where the pipeline crosses the strategic network to safeguard national highways interests and the safety and integrity of the national highways continues to object to the inclusion of those plots in the order and compulsory powers being granted in respect of them.

00:28:14:08 - 00:28:58:25

National Highways considers that there is no compelling case in the public interest for the compulsory powers and the Secretary of State in applying. 127 of the Planning Act cannot conclude that the permanent acquisition of land forming the and the creation of new rights and restrictions over all of the plots can be created without serious detriment to national highways undertaking. No other land is available to national highways to remedy that detriment, as you alluded to, to safeguard national highways, interest and the safety and integrity of the national highways objects to the inclusion of the plots in the order and the compulsory powers being granted in respect of them, and to any powers affecting national highways in those in the order the plots constitute land that was acquired by national highways for the purposes of its statutory undertaking.

00:28:59:09 - 00:29:53:15

National highways is under a duty to preserve its statutory duties and to protect its own legal position, and so therefore must preserve and maintain the integrity of the road to limit in any way the safe running of the compromises, the ability of national highways to do so. As you've said, we we object in particular to the compulsory acquisition of plots 506, 509 and 705, which directly affect the strategic road network in order for national highways to be in a position to withdraw its objection, National highways requires the inclusion of protected provisions in the order for its benefit and agreements with the applicant that regulate the manner in which the rights over the plots are acquired and the relevant works are carried out, including terms which protect national highways, statutory undertaking and agreement that compulsory acquisition powers will not be exercised in relation to such land and the carrying out of works in the vicinity of the to safeguard national highways.

00:29:53:17 - 00:30:21:18

Statutory undertaking national highways is in early discussions with the applicant regarding both of these points, and although there's no substantive update to date, national highways will update the examining authority as discussions progress. But noting comments on made today on timings. As I've said, national Highways is available to respond to questions if the examining authority have any. And where these can't be done today, we're happy to follow up in writing at the next deadline. Thank you.

00:30:22:26 - 00:30:54:17

I understand that and thank you very much for that brief synopsis of your current position. Um, just so you're aware, um, the, the applicant responded in detail to, to your objection. Deadline three

um, and raised various points with regard to ownership and different types of ownership and case law. Um, there is a question that will be released in the second round of written questions in regard to a response to that.

00:30:54:22 - 00:31:40:23

Um, and clearly the. You'll have an opportunity then to to reply. So as opposed to to wasting time and using valuable time up to respond to anything now. Um, obviously you can then focus your needs on responding to the written question, which I believe is um, a response by deadline five to written questions, which is at the beginning of July. Um, but I am interested in the arguments being put forward by the applicant with regard to at what point does the national Highway interest finish and what point does land ownership as national highways start being two distinct separate entities? Um, and their points about case law.

00:31:41:04 - 00:32:05:03

So I would appreciate your considered response at deadline five in response to the second round of written questions, and specifically the question related to, um, that those, those, those issues which have been addressed to national highways and will be released on the 15th of June. Um, does the applicant want to say anything in response to what they've heard from national highways, please?

00:32:07:00 - 00:32:11:10

Oh, let me get you for that. We. No, thank you, sir. Don't think I could add anything meaningful at this time.

00:32:11:12 - 00:32:18:10

Okay. Thank you very much. Is there anybody else in the room that wants to say something in relation to what they've heard from National Highways?

00:32:19:27 - 00:32:21:13

And virtually online.

00:32:23:15 - 00:32:57:08

No indication at all. Okay. Thank you for National Highways involvement. Um, I don't have any other questions for for national highways. And as I say, keep a lookout for the second round of written questions, which will be released on the 15th of June. There are a couple of questions in there for National Highways, and I'd be grateful for your considered response in relation to those rather than drawing them out now at this hearing. Um, the next party I'd like to invite to speak is insert limited. Um, I believe you're being represented by either Sutherland.

00:32:57:12 - 00:33:13:27

Um, or indeed the gentleman sitting next to you there. So, and indeed, if you'd like to speak, you're welcome to as well. But I'd just ask you to introduce yourself before you do so. So. But that's only if you want to actually speak. So, um, would you like to give an oral submission?

00:33:14:06 - 00:33:14:29

Thank you, sir.

00:33:15:04 - 00:33:48:07

So before. Before you start, I should just mention we aren't covering anything that's covered in the change request. 1 or 2 today. The reason for that being is that it's currently out to consultation with the consultations, not closing until the middle of next week. So therefore it would be inappropriate for us to consider anything where we don't know where all the parties are involved. Particularly there will be an opportunity at in on the second round of hearings that we're holding in at the beginning of August currently.

00:33:48:17 - 00:34:11:04

Um. And that's subject to timings, obviously. But at the beginning of August with regard to change, request one and two together. And as I say, I can't take anything related to any of those additional plots added at this time, although I am aware that you are in the book of reference originally with regard to other plots. Anyway, so apologies for interrupting you.

00:34:11:06 - 00:34:21:21

No, no, no, thank you, sir. I understand that. And we will be making submissions in respect to the change request separately, but don't intend to discuss that now.

00:34:21:23 - 00:34:26:04

No, that's fine. I just didn't want you to waste your time. That was all. If was just going to close you down.

00:34:26:07 - 00:34:45:03

So no, thank you. But so as I said earlier, I'm joined by my client who I'd like to can you introduce yourself and your your role? It may be that I defer to my client at some point during the.

00:34:46:06 - 00:34:50:06

Thank you. Anita Galligan, Director of Strategic Projects Legal.

00:34:50:08 - 00:34:50:24

And Risk.

00:34:50:26 - 00:34:52:07

For NCR Limited.

00:35:00:29 - 00:35:02:28

Thank you for that. If you'd like to.

00:35:03:01 - 00:35:30:10

Thank you, sir. Justin Gartland of Litchfield for Cirque Limited. Um, so just following on from other other comments related to discussions and consultation. I'm happy to be able to say that the applicant has been engaged with insert limited in discussions. They are continuing. Um. And.

00:35:33:12 - 00:35:47:25

We are hopeful of some significant movement in terms of what's required, in terms of interests in the land owned by Serc as a result of that.

00:35:49:10 - 00:36:27:24

And also to preface what I'm going to say by saying that insert limited does support the development consent order, but as currently before you, the rights that are sought, permanent and temporary give rise to some serious concerns. Um. We then insert limited. And. Really, as will demonstrate, interfere and adversely affect the operation of their glass manufacturing and filling plant.

00:36:29:03 - 00:36:30:00

At Elton.

00:36:33:02 - 00:36:33:23

The.

00:36:35:10 - 00:36:45:23

Lamp that I'd like to refer to is on is on the screen now. But the particular plots of relevance. Out with the.

00:36:47:10 - 00:36:56:13

Change request. 0101. 102103.

00:36:59:20 - 00:37:07:17

106. And then 120. 121 and 122.

00:37:15:13 - 00:37:36:04

Now, the the concerns that I'm going to raise could be essentially made redundant by discussions that we are engaged with with the applicant, which would involve alongside technical discussions with network rail on their interest in plot one, two, three,

00:37:38:04 - 00:37:45:24

a engineering solution which directly directionally drills underneath all of the railway lines.

00:37:47:10 - 00:37:51:29

From. .118 to plot 125.

00:37:56:07 - 00:38:00:29

And further a suggestion. By Peel.

00:38:02:16 - 00:38:06:11

To the applicant that an access.

00:38:08:10 - 00:38:10:18

Ultimately to plot 109.

00:38:12:06 - 00:38:31:11

Could be provided from the road known as a Grenadian Road, which projects eastwards from plot 101A. Directly south. To. Joined the route.

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

Indicated on the land plan between plot 103 and 104.

00:38:40:07 - 00:38:43:14

And if if those two aspects were agreed.

00:38:45:16 - 00:38:59:21

The interests being. Sought and the rights being sought in respect of land at Insert Limited would not be required at all with the exception.

00:39:01:09 - 00:39:10:27

Of a. Temporary possession over a smaller area of plot 1.21.

00:39:12:16 - 00:39:14:09

And rights of access.

00:39:15:26 - 00:39:35:00

To that plot. From the entry point. I'm going to mention the word that you asked me, not to mention, which is subject to the extended access route to Ash Road. Under the change request at Plot 106 A and B.

00:39:36:04 - 00:40:18:27

Mean we will come back at a later date with regard to the access road. I understand understand what you're saying with regard to that. Um, I'm just conscious that if we delve too much into the change request, it's potentially prejudicial to people that aren't present in the hearing. So and we will give you a further opportunity at a later stage to either submit written or oral evidence. There will be a further set of oral hearings. It's a requirement under the change request because of the um, the compulsory acquisition regulations that due to the the change request being accepted, we have to hold a further set of hearings.

00:40:18:29 - 00:40:32:09

In any event, um, I've heard what you say with regard to 10A1-01A um, and that access road. But we will come back to it at a later stage if at all possible.

00:40:32:11 - 00:40:46:03

Please understand that, sir. Thank you. That's perfectly, perfectly reasonable. Um, and then just if I can, to explain in a bit more detail the extent of the interference with insert limited operation.

00:40:46:05 - 00:41:10:14

Yes. Can I just ask you to go back for a second? Because you were you were talking about one plot where if if you agreed reached agreement with the applicant with regard to the, the, the, the tunneling techniques, um, there was one plot that was still affected by temporary possession and accesses to it but didn't catch up quick enough to you which plot. That was.

00:41:10:19 - 00:41:12:23

1.211..

00:41:12:25 - 00:41:15:12

I'd written 1.22. So I'm glad they asked.

00:41:18:00 - 00:41:19:12

If you'd like to carry on, please.

00:41:20:17 - 00:41:33:24

Certainly. And so this is in respect of the extent of of interference with insert limited operation. As the plans currently stand before you.

00:41:38:22 - 00:41:57:05

Insert Limited has a proposal before Cheshire West and Chester Council for a automated warehouse development which will occupy the bulk of the undeveloped land in the control of insert limited. Which will extend.

00:41:58:28 - 00:42:23:27

Development across. The access point between points 103 and 106, which will render that route not redundant. It will it will disappear. And that would be an alternative route that, should this Right have to progress, would have to be included and drawn up.

00:42:28:13 - 00:43:06:23

The land west of plot 1.21, including plot 1.21 is subject to an emerging proposal to enhance the rail connectivity of the encircle plant by the introduction of further rail sidings and an intermodal area.

And that's very important to insert limited because their overall. Development is subject to a legal agreement under the Town and Country Planning Act that requires a proportion of all of their materials to be moved by.

00:43:08:11 - 00:43:30:18

Rail and encircle have taken that. Very seriously indeed by introducing a rail interchange in the first place. But but as production increases, need to increase the extent to which non HGV uses modes used to to transport material.

00:43:34:00 - 00:43:44:12

And therefore the permanent permanent rights over 1 to 1, as currently suggested, do interfere with that potential.

00:43:47:21 - 00:44:00:27

And then further at Plot 102 itself would interfere with plans for further development at the plant itself in respect of additional manufacturing capability.

00:44:08:21 - 00:44:11:03

Now very significantly.

00:44:12:28 - 00:44:33:13

The and Serc plant is a bonded site. A control by His Majesty's Revenue and Customs. And any access into what is essentially a sealed site is controlled in that regard. An agreement would have to be reached with.

00:44:37:08 - 00:44:42:13

All of that. So the potential solution that I outlined earlier.

00:44:44:03 - 00:44:47:25

Would remove that very serious complication.

00:44:49:21 - 00:44:55:08

Both during the construction and operational phases of of the pipeline scheme.

00:44:57:10 - 00:45:02:07

Wouldn't remove it entirely under the solution I've outlined because the.

00:45:05:06 - 00:45:20:23

Proposed automated warehouse scheme will. Move the gatehouse of the development and therefore the barrier of the bonded site to a point just below just south of. Um.

00:45:22:13 - 00:45:25:12

Plot. 106.

00:45:26:12 - 00:45:27:04

All right. Okay.

00:45:28:02 - 00:45:39:17

At its westernmost point. So access into the rights sought across. 106 to plot 1.21.

00:45:41:04 - 00:45:42:06

Would be within.

00:45:43:27 - 00:46:07:03

That bonded site. So we we would be proposing to discuss potential alternatives. For that route to get to plot 1.21, which said, as I said before, would become a temporary. Right and would from time to time be needed to access maintenance and monitoring on plot 1.22.

00:46:08:02 - 00:46:08:26

With with.

00:46:08:28 - 00:46:34:08

With the applicant. But even if one couldn't be agreed other than the route shown, the infrequent nature of any access required to plot 1.22 for monitoring and maintenance purposes would mean that advance notice access through the gatehouse would be highly likely to be acceptable to insert limited.

00:46:40:00 - 00:46:51:19

Okay. Understand? Understand what you're saying. Um, with regard to that, um. Do you want to add anything else at this stage, or can I revert to the applicant to respond?

00:46:53:06 - 00:46:55:08

Now that that's open was okay.

00:46:55:26 - 00:46:58:17

I'll revert to the applicant for a response, please.

00:47:00:26 - 00:47:02:13

Problem for the applicant.

00:47:06:07 - 00:47:36:21

It is somewhat challenging to completely respond without accidentally tripping into the change request. Um, what I would say is as um, as a gentleman kindly noted, we are in active discussions and we do think we are making really positive progress. We also have to have the discussions with Network Rail and people in this area. So there is a bit of coordination to do there. Okay. In terms of doing the single directional drill under the railways, there are some engineering complexities too that we could explain them to you if that would be helpful. It is an option we are looking at.

00:47:36:23 - 00:47:40:17

It is not yet at a stage where I can absolutely say we could do that. Okay.

00:47:41:03 - 00:47:55:23

Don't need to know the specifics of the engineering operation, just that it is it is feasible at least. Um, and obviously it's, it's within your own choice as to whether or not to adapt your scheme to, to incorporate that at some future point. So.

00:47:56:13 - 00:48:06:01

Paula Mcgeady for the applicant. Um, not wishing to contradict you. Sorry, it's not entirely within our gift because we would need to coordinate with network rail, especially once.

00:48:06:13 - 00:48:15:21

Yeah. No, it's dead. You. What meant is it's your choice as to, to whether or not you offer directional drilling as an alternative within the scheme.

00:48:16:00 - 00:48:34:27

Apologies are the proposal at the moment is to directionally drill under both. There's two there's two railway locations. They're more the lines at the moment that are set up with the potential for two drills with the pit in the middle and plot 1 to 2, that could become one longer drill. We are looking at it, but that is why cannot commit to it.

00:48:35:04 - 00:49:08:14

Okay. I understand. Um, I mean, I'm sure that you'll be negotiating with the applicant further on this point. And what I would suggest is that you respond at a later stage to, to what you've heard from in Serc. I hope I'm pronouncing that right. And, you know, um, just assume that I'm pronouncing things right and invariably, um, created later. But I apologize if there's a problem. Um, and, and keep the panel. I'll keep the examining authority advised of progress with your negotiations because it does sound like it's quite a serious, especially the bonded issue.

00:49:08:28 - 00:49:43:28

It's quite a serious issue for for both you and insert to resolve by the sounds of it. Um, the the only thing I would flag up is if. Any of these changes result in a further change request? Um, application having to come forward. Am seriously concerned about timing. Um, you know, and being able to get further change requests through the process if they trigger the regs. Um, because you're based on change request one and two.

00:49:44:00 - 00:49:52:18

I know for a fact that you're right on the cusp of of further change requests and whether or not they can be accepted at this almost at this point in time. Not quite, but almost.

00:49:55:03 - 00:49:56:01

Yep. Please respond.

00:49:56:27 - 00:50:10:15

Paula McAtee for that. We entirely agree, sir, that we don't think we could get another change request that required consultation under the compulsory acquisition regulations through, we could only look to reduce our compulsory acquisition at this stage. We are very aware of that.

00:50:10:19 - 00:50:44:16

Thank you. It's good to know that you're aware of the data. I'm sure you're probably more aware of than than than than I was before. Started working it all out under the first two requests. But, um, yeah, it's good to hear that you're aware that there's probably no further time for any further change requests at this point in time and only reductions in the compulsory acquisition land. Okay. Thank you very much. Is there anything else insert wanted to add to what you've heard? Anybody else in the room wants to comment on what they've heard from from either in Serc or the applicant or virtually online?

00:50:46:13 - 00:50:54:00

I've got a hand up. And you've got. Your colleague at Litchfield has got their hand up, and I can't read her name from here. Sorry, my eyesight's not that great.

00:50:54:02 - 00:50:57:11

It's. It's Hayley. Hayley Go of. Of Eversheds.

00:50:57:13 - 00:50:59:17

No, she's, she's. She's put her hand down anyway.

00:50:59:23 - 00:51:34:09

Hi. Good afternoon. Sorry if I could just, um. If it's alright, if I could just add one point, just to expand on what Justin has set out very clearly already, but just in relation to plot 121 um, just a particular

point in respect of that, noting that it's included for permanent acquisition of rights at this stage in relation to work number three. Um, and as pointed out by Justin, already plot 106 already provides the access to the pipeline easement area.

00:51:34:22 - 00:52:10:09

Um, we just have concerns as to why such a large area of that plot has been included for permanent acquisition, for access rights. Um, the applicants indicated so far that that area is required for construction requirements in relation to the two separate tarantulas crossings, um, if they are required. But if it is due to construction, it's not clear why permanent rights are required over the entirety of that plot rather than simply construction rights. Um, if it is required for permanent access to the pipeline, then it's, it's not clear why that isn't simply an access strip.

00:52:10:21 - 00:52:58:23

Um, whether or not that plot needs to be split down into two separate areas with, um, you know, construction rights over a part and then a smaller strip, um, presumably adjacent to plot 122 um, for the permanent access. Um, so we would just flag that at this point, we don't consider that to be proportionate and it goes further than what's required to facilitate the development. Um, again, I won't repeat our, um, points that Justin's made very clearly about tarantulas crossings, but we do think that actually the, um, the test of, you know, necessity of acquisition of those rights isn't met for that plot in particular.

00:52:59:11 - 00:53:03:18

But that was all I wanted to add. So apologies for for interrupting there.

00:53:04:15 - 00:53:17:13

No, it didn't interrupt. And your your voice is equally as valid as everybody else's. So thank you very much for that. Interjection. Um, can I ask the applicant if they wish to make a response at this stage or whether you would like to hold over to deadline for to respond to that?

00:53:19:07 - 00:53:49:28

Parliament giddy for the applicant. Think I can explain the width of that plot and short course on the ground? We think it is most likely the operational access would come down through plot 1 to 1. The field gate is actually at the the sort of the top left hand corner and that was therefore included to provide access to minimise impacts at detailed design. However, it is a plot and an access we are under discussion on and how we would actually deliver that. It is part of the ongoing discussions at this time.

00:53:53:04 - 00:54:17:15

Okay. So I mean, think part of the question was, is, is is all the land actually going to be required for construction area or is it is it more land take than you're absolutely necessary is the point that I think they were making. And I'm sure Litchfield will correct me if they're wrong, was it's not proportionate and the test of necessity isn't met.

00:54:19:04 - 00:54:20:19

Problem in Guinea for the applicant.

00:54:23:00 - 00:54:42:18

We will come back on this in writing. Essentially, we would not be looking we wouldn't not be looking to take permanent rights over the whole plot. We were looking to be able to route the rights through the plot and particular because we know there are real proposals in the area and we didn't know exactly where they were going to be. This was an attempt to provide some flexibility not to create a clash with those, but, Right.

00:54:43:11 - 00:54:54:22

Right. Okay. Sorry. That was louder than I was anticipating it to be. Apologies. Um, okay. Um, does anybody want to come back on what they've heard in that regard?

00:54:56:19 - 00:55:28:28

Nope. Getting no indications. In that case, I'm going to move on. Thank you very much for everybody's involvement in that. Thank you for Litchfield insert Limited and Eversheds for adding to that debate. It was helpful. Thank you very much. Next person I have is travelodge UK. Um, if travelodge UK want to make a representation if they're present. I don't think they were actually here when we did introductions earlier on, but I'm just giving them an opportunity again

00:55:30:27 - 00:55:31:12

from.

00:55:31:14 - 00:55:33:09

Just join us on behalf of Travelodge.

00:55:34:04 - 00:55:38:02

Sorry. That was very faint. Can you speak up, mister? Is it Spittle?

00:55:38:04 - 00:55:42:12

Mr. Smith? Yes. Darrell Spittle from Castle. Joanna and representing Travelodge UK.

00:55:44:18 - 00:56:16:27

One of the general concerns here is the actual is the temporary access that runs alongside the Travelodge off the A55. Um, we've obviously the Travelodge are an interested party there as part of their access rights of the utilities and the shell station etcetera. So it was more really to try and clarify what that rights was going to be used for in the future or for development. And then one of the questions we also had and we tried to establish the work behind the Travelodge has been identified for

00:56:18:14 - 00:56:49:18

horizontal, horizontal directional drilling. So the questions that have been raised there from my clients are the potential 24 hour operations and the impact of vibrations and noises. If that was being drilled to the occupants of the hotel and what works or mitigation would be put in place to protect them. And then going forward, understanding if there were any rights going to be sought for temporary access, for maintenance or for access onto the route in the future along that temporary access road.

00:56:51:27 - 00:56:52:24

So this was the plan.

00:56:52:26 - 00:56:55:05

That the last point, again, that you made.

00:56:56:15 - 00:57:12:12

In the future, there's nothing referenced there on the plans for future access. So is it the intention of the applicant to have any temporary rights or permanent rights secured to get to the pipeline in the future along this temporary road? What temperature? Sorry.

00:57:15:27 - 00:57:19:18

Okay. Can I ask the applicant Sue to respond? If at all possible, please?

00:57:22:04 - 00:57:50:10

Up for the applicant. So the access shown on the screen and plot 1906 and brown as construction fees only and it is non-exclusive access to the pipeline and operation would be along the pipeline route from access is slightly further to the east and on the point around don't I'm afraid to have my noise specialist with me here today to to engage with that but we'd be happy to speak to Travelodge at that point if it would be of assistance.

00:57:50:12 - 00:57:53:27

Yeah. Okay. I wouldn't expect you to be able to respond in a

00:57:55:25 - 00:58:19:27

compulsory acquisition hearing to to a query with regard to noise and vibration particularly. I understand that. Um, Mr. Spittle, are you happy for the applicant to come back to you and talk to you directly about noise and vibration concerns that you have? Thank you. Okay. Thank you very much. I've heard what you've you've said so far. I've written quite lengthy notes about it. I've heard what the applicant's response is. Is there anything further you wanted to add?

00:58:20:15 - 00:58:32:23

No. Mean is it one of the things we did have some time ago was the potential for open cutting or trench loss. Is there any definitive answers? Is it going to be a or is it going to be open cut?

00:58:34:00 - 00:58:36:13

Can. You can answer that at that stage? At this stage.

00:58:38:09 - 00:58:52:28

Yes, sir. James Glass, on behalf of the applicant with regards to the works through plot 1905, which is behind the service station just off the a55. And there are no trench loss techniques proposed for that area. So it will be open cut.

00:58:53:09 - 00:58:59:24

Thank you. Okay. Okay. I think that's clear. Mr. Spittal, is there anything else you wanted to add?

00:59:00:04 - 00:59:04:23

No, that's fine. Can go back to my clients on those points and we can look forward to conversations about the others.

00:59:05:18 - 00:59:25:03

Okay. I'll leave you to to discuss with the applicant at a later date with regard to further discussions between the two parties. Um, in the interim, is there anything anybody else wants to add with regard to what they've heard from travel or UK either in the room or virtually? I'm getting no indication, so I'm going to move on. Um.

00:59:28:12 - 00:59:31:28

Mr. Baker, on behalf of Mr. and Mrs. Ultraman.

00:59:33:04 - 00:59:51:10

Thank you, sir. First of all, I'd like to send my apologies from Mr. Graham, who was unable to attend today for. For family matters. Um, my client farms a commercial dairy farm. Um, just outside plot number.

00:59:57:05 - 01:00:42:18

Between 1803 and 1821. My client has significant concerns about the proposed route of the pipeline, particularly in respect of the proximity to some fixed equipment on the farm at 1820 A and 1819. And I would add that we have not received any terms from the applicant so far. And although a number of

meetings have been held at the farm and there have been no agreements or actions which are positive in respect of my client's requirements.

01:00:43:23 - 01:00:57:05

As I said, the farm is intensively run and the proposal will impact on my client's operation of the business in a detrimental way. And.

01:00:59:04 - 01:01:26:25

The recent discussion is that part of the fixed equipment, which I would say is a slurry store, which is essential for the for the running of the dairy farm, may have to be removed because of its proximity to the pipeline. And I would add, the nature of the farm itself, the topography, the layout of the farm buildings would mean there is no other alternative for that slurry store to be relocated.

01:01:34:01 - 01:01:55:10

I would also add that the proximity of the pipe does impact on future, um, building expansion. Um, in, in the, in the plot. 18, 19, 1820. And again, my client has raised the the prospect of looking to

01:01:57:16 - 01:02:11:24

offer an alternative in the route, namely to the east of plot 1817, um, which runs through the, um, unshaded area next to the residential development.

01:02:18:10 - 01:02:54:21

I would also raise the concern my client has about the temporary compound area in plots 1808, 18, 12 and 1813. This is considered to be excessive. And this is an area which my client has a requirement for intensive use of for the dairy herd. And the use of this land for compound will seriously impact on on how many cows he's able to continue with on the farm.

01:02:54:24 - 01:03:02:04

And it could result in quite a significant number of cattle having to be sold as well as young stock.

01:03:04:02 - 01:03:05:12

In addition to this.

01:03:07:01 - 01:03:15:26

My client is concerned as to the compliance issues which all farmers now in Wales have to comply with in terms of nitrate vulnerable zones.

01:03:17:22 - 01:03:26:28

And by the proposed. Route, this is going to have again a detrimental effect and it could render the farm non-compliant.

01:03:33:16 - 01:03:37:19

My client is concerned that ultimately the viability of the business.

01:03:39:06 - 01:03:43:05

Will be brought into question. Which is an established business.

01:03:47:15 - 01:03:51:03

With potential loss of jobs as well as livestock.

01:03:59:28 - 01:04:05:10

My final point relates to land. That's referred to as land at Altamira Brook.

01:04:14:15 - 01:04:15:13

Which is.

01:04:18:08 - 01:04:21:28

19, 1904 on the plan.

01:04:23:25 - 01:04:48:26

Again, this is a significant impact in terms of potential permanent loss of of land to the holding, um, and subsequent um, disposal of, of part of the herd to accommodate the, the loss of land. We consider this to be far in excess of what's required. And I would question what alternatives have been looked at to ensure that this.

01:04:50:17 - 01:04:53:19

A proposal is mitigated. Thank you.

01:04:55:21 - 01:05:03:25

Okay, Um, I might have some questions for you in a second, but I'm going to ask the applicant to come back on what they've heard first. Please.

01:05:05:27 - 01:05:08:14

All you do for the applicant. Um.

01:05:10:09 - 01:05:46:02

I would I would start with the point. I'm. That Mr.. Mr. Alter and his agent have not received any terms of that so far, would disagree with that. Terms were issued in July, August and September last year, and we were asked to hold off sending any more documentation until we had further engaged with Mr. Alterman. His various concerns terms were therefore not further issued at his request. On the fixed equipment, the slurry tank and the nitrate issue, there is some interrelation there. It's quite difficult for me to talk to you about what to do because change request one relates to the proposals and that is understood.

01:05:47:14 - 01:06:08:08

And we are aware of Mr. Outram with the compound and we have been looking at that. So with respect to the impact on his business created by the loss of land for the construction compound, which is work number 41 A, we have been actively working to assess the impact of removing that compound from the.

01:06:13:27 - 01:06:22:06

We would still require access to the pipeline in that spread and we would still. So the access route would remain, but we would be able to reduce the intake considerably.

01:06:24:09 - 01:06:34:26

We do think that you're taking access in that area could be managed to retain Mr. Autumn's current operational use and his particularly his access to the adjoining land, which we consider to be a concern.

01:06:38:06 - 01:06:54:27

I'm sorry. I'm just checking what other points noted in there? Or I'll tally Brook and the mitigation planting. And we did cover why home mitigation planting was cited yesterday. Mr. Chatterton could explain this particular point if it would be of assistance, but it follows the same methodology as we went through yesterday.

01:06:55:02 - 01:07:08:14

I understand that. I don't need you to re-explain it to me, but does Mr. Baker need to hear what they explained about. I think you probably do, don't you? Yes. You weren't here yesterday.

01:07:08:16 - 01:07:09:11

Sentence yesterday.

01:07:09:13 - 01:07:17:27

So could you go through that again and explain about the mitigation planting at all, Tami, Brooke.

01:07:18:22 - 01:07:52:15

Yeah. David Chatterton on behalf of the applicant. So the mitigation planting areas have been selected on the basis of trying to improve and enhance existing green infrastructure across the old limits. That's both on the Wales and English sides to try and conform with existing policies that lie within both council borders, particularly within Flintshire. We're looking to align with 13, which seeks to retain, enhance and protect existing green infrastructure within Wales through our proposed mitigation locations.

01:07:52:17 - 01:08:26:14

We're looking to do that through the planting of trees as well as scrub, noting that it's not possible to plant trees on top of the pipeline when it's in situ within 12m either side of it. So we'll be looking to create a habitat mosaic through the planting of both trees and scrub habitat that will connect into, particularly in respect to Mr. Ultron's land, um, to support the woodland that's currently existing along the brook and enhance that area and its green infrastructure.

01:08:28:28 - 01:08:29:13

Can.

01:08:31:03 - 01:08:33:18

Did you want to respond to anything you heard there, Mr. Baker?

01:08:34:23 - 01:08:40:17

No, thank you. I'll take those comments on board. I'll discuss with my clients and we'll follow up with a submission by the 20th.

01:08:40:23 - 01:09:06:25

That's fine. Just so get it straight in my head. I wanted to ask you about all the time. In any event, um, and I've clearly, I've read the submissions that have been made on behalf of your client. Um, and I understand those, but I just want to get clear the, the issue with regard to alternative work is that because it's effectively segregates one part of the farm from the other, or is it because of another issue?

01:09:08:27 - 01:09:15:21

Yes, it does segregate. And it's the potential, again, the potential loss of land and the impact that's going to have on the farming business. Yeah.

01:09:15:23 - 01:09:36:03

I understand the loss of land, but it was just whether or not it is effectively no route around that, that that blockage effectively which which then prevents you or your client from operating the two halves of the farm. You know, um, convenient isn't the right word, but in an appropriate manner.

01:09:36:14 - 01:09:40:04

From an operational perspective. It won't. It won't help at all.

01:09:40:07 - 01:09:46:13

Okay. Understood. Just coming back to the applicant. Do you want to respond to anything I've just said?

01:09:58:07 - 01:10:05:00

Uh, thank you, sir. For the applicant, will you? We would prefer to wait and see the submission at deadline for and respond to that. If that's acceptable.

01:10:05:02 - 01:10:20:12

That's. That's perfectly fine. Um, you know, obviously, it's. It makes sense for you to respond at a later stage. If you can give a clearer and more accurate answer, I'd be very grateful at that stage. Thank you much, Mr. Baker. Um, is there anything you wanted to add?

01:10:20:15 - 01:10:21:29

No, that's fine. Thank you very much. Okay.

01:10:22:01 - 01:10:30:06

You welcome. Anybody else? Anybody wants to add to what Mr. Baker or they've heard from the applicant with regard to these specific issues?

01:10:32:06 - 01:10:48:27

Thank you very much. Okay. I'm going to now ask our warden Community council. Would you like to make a comment or an observation?

01:10:54:28 - 01:11:35:09

Station chair? Um, not at this time, but I think I can say that. Following our next community council meeting. Which is on Monday, we will be making a written comment again in time for the 20th of June deadline. Um, various subjects have come to light that I've not heard before and I've attended all the oral hearings and we have also written to high net.

01:11:36:00 - 01:11:50:24

Um, over the last couple of days. And I think that, you know, what is emerging now is of um, some considerable import in terms of what our submission should be.

01:11:51:02 - 01:12:08:25

Okay. I understand. I look forward to receiving your submissions at deadline for which, as you've already indicated, is the 20th of June. Thank you very much. Um, can I invite Mr. Williams, Mr. John Williams, who were here yesterday and indicated you wanted to speak? Thank you, sir. Um.

01:12:09:12 - 01:12:59:00

Yes. Our concerns is land owners of the land to the east of Artemis Brook. Um, 1901 Is the distributional amount of land being taken from mitigation and the complete impact on that block of 40 acres of land which we own. Um, the impact to our farm and business, such as the impact of Mr. Elton's family business. We'd like the applicant to try and justify why, in particular, compared to all other landowners, we would be losing permanently 10% of that block of land being 10.2 acres and have, as said, a severe impact on the remaining area of that land.

01:12:59:07 - 01:13:10:27

It was also put us in a position, um, you know, complete enterprise's somewhat 600 acres and 700 head of stock that we would also be

01:13:12:14 - 01:13:31:26

put in a position that if we do not have access to this land or land instead of this land, that we will be in a position that we will be breaking the current new Welsh Water Regulation Act framework for the good of all the Wales. Thank you.

01:13:33:04 - 01:13:38:08

Thank you very much. The applicant like to respond or are you going to defer to deadline for.

01:13:47:09 - 01:13:51:24

But thank you, sir Paul. For the applicant, we would prefer to come back in writing. Thank you.

01:13:52:12 - 01:14:07:16

Okay, that's understood. Thank you very much, Mr. Williams. Thank you for your involvement and your patience in waiting today as well. Yeah. Um, does anybody else want to say anything they've heard Mr. Williams say or the applicant's response? Okay. Thank you.

01:14:07:28 - 01:14:18:11

I can just add. Yes. Also act as agent for Mr. Williams as well. And we will obviously be submitting, um, submissions by the deadline of the 20th.

01:14:18:13 - 01:14:30:17

That's that's fine. Mr. Baker had noted that actually that you are representing multiple parties at exactly various points. So, um. Mr. Lewis I've got I've got you Next, Mr. Lewis.

01:14:32:04 - 01:14:33:04

At. Thank you.

01:14:34:09 - 01:14:52:02

Think if it's correct, you do. So just like to make a few general comments in relation to to all the clients which act for which have submitted a list. Don't think there's probably a requirement to to name them all. Now think you're aware of them and be applicants are

01:14:53:23 - 01:15:24:15

in response to what the applicants said in introduction in relation to the requirement of the 100 metre width that it's not possible to have any detailed design. There have been numerous, numerous surveys, both intrusive and non-intrusive surveys taking place, and I'm surprised that a more defined route cannot be agreed at this stage rather than 100m.

01:15:24:17 - 01:15:51:24

It may be statutory and I'm happy to to bow to that if that is the case. But from a very practical point of view, there has been an awful lot of surveys and it's a very wide width in which to do it and has been grounded. Investigations that have been trenching investigations are done, and it does put an awful lot of applicants in a huge degree of uncertainty, but they don't know where where anything is going and believe that that is excessive.

01:15:54:11 - 01:16:12:01

The 24 metre easement width, I believe it is probably excessive, but I'm sure the statutory requirements and I'm not going to make an issue of that. The other issue of the generality would I would make is in relation to trying to agree consensual

01:16:13:20 - 01:16:47:15

agreement on on terms. We have had numerous meetings with numerous with the agents on numerous clients, and very little has come forward out of those meetings to address the concerns. We have some

evaluation which accept is not not party to this this hearing and put those two aside, but in relation to the heads of terms and the proposed lease which they wish to be entered into. We've raised a lot of points on on that and they've not really been answered.

01:16:47:17 - 01:17:28:28

We've been asked to sign up to an option to enter into a lease. We have not seen a draft lease. It does refer to ancillary equipment, which we don't know what that can be, where it can go. And we're asked almost to sign up to a blind document. They are a general matter. Some have been resolved in my representations I submitted, sir, in relation to access to the pipeline. I think it's been clarified and will seek to do that later date that the general access over all of the landowners site are shown on the consent document is only during the option period.

01:17:29:27 - 01:17:54:27

I've had insurance with that and then permanent rights will be dealt with either via via this or by negotiation have a slight concern in relation to and maybe naivety. On my side. I had a meeting with the applicants on Friday and it was indicated to me that in a worst case scenario they will be buying the three hold of the pipeline track.

01:17:56:18 - 01:18:26:27

That's subsequently been explained further. But it was as part of that explained to me by the applicant either on Friday or even earlier this week, but potentially they could fence off and enclose the pipeline track even though it's not being acquired. Freehold I'd like some clarification on on those points if if possible. Those are the general ones and I've got some specific ones in relation to independent individual clients.

01:18:26:29 - 01:18:30:24

If you wish me to deal with those now or just response to those.

01:18:31:29 - 01:18:52:16

I'll ask the applicant to respond to those points because that will that will do help compartmentalize your comments and then we can come back and listen to to your specific comments after that, if that's okay. Thank you very much. Fine. Would you like to respond, please? Of course you have the option to defer, but you're welcome to respond as well.

01:18:53:17 - 01:18:55:26

Thank you, sir. Problem for the applicant.

01:18:58:06 - 01:19:25:10

We are aware of Mr. Lewis's points on the voluntary agreement. We don't think that that is appropriate to go into that in this forum that we are seeking to respond to him and that on the acquisition of the pipeline track or the or the final pipeline routing, the acquisition is subsurface. It's only surface sites that we would be looking to fence off, not the pipeline route through the middle of the field. So as a point of clarification, I would just like to make that clear. Um.

01:19:28:16 - 01:19:32:06

I don't think there is anything else we can usefully add at this point.

01:19:33:00 - 01:19:43:12

Okay. So just just to be absolutely clear where you are looking for subsurface rights only. Um, there would be no fencing off of the pipeline route.

01:19:44:07 - 01:19:54:19

Well, let me give you that look and correct the intention. And the commitment we have given is that agricultural use could resume over and fields over the pipeline once it is buried in the ground.

01:19:55:00 - 01:19:56:20

Okay. Thank you very much. Um.

01:20:01:26 - 01:20:18:12

Mr. Lewis, would you like to to continue with your. You have a you can say something in response if you want, but you're also welcome to go on and talk about your individual clients. Obviously, without introducing any specific addresses or of that sort of nature, just refer to plot numbers.

01:20:19:21 - 01:20:43:27

Yes, certainly. Thank you. Peter Lewis, just referring to the to the issue. I say it was and again, I just want further clarification. It was made clear to me by the applicant in a discussion that whilst the practicalities will be the surface area won't be fenced off at all. They do have the right to do it even on a subsurface

01:20:45:12 - 01:21:00:00

acquisition with the right above, but in all tents and purposes and 99.9% of case it won't happen. But but the right is there to do it to enforce restrictive covenants. I just want some clarification on that point before I move on.

01:21:00:08 - 01:21:15:05

Okay. Um, thought you were quite clear, but, um, can you just reiterate if that's true or not? Is there a possibility at all that you would have any rights to be able to close off that surface by fencing it?

01:21:16:19 - 01:21:34:26

Paul, let me get you for the applicant. Only insofar as we had to do a work of maintenance on the pipeline that required the creation of an open trench, which had to be fenced for health and safety reasons, not for normal operation. That would be an exceptional event. It would not be the standard practice.

01:21:34:28 - 01:21:42:23

All right. So. So that doesn't mean. No. Um, but but essentially what you're saying is it would be maintenance operations when you're opening the trench again.

01:21:43:22 - 01:21:45:00

Well, let me give that looking.

01:21:48:05 - 01:22:09:08

And. Essentially. Yet we as as I'm sure you're aware, we don't envisage digging the pipeline back up for maintenance. It would be very much an exceptional event. But in that the restrictive covenants and rights we take over the surface would allow us to access for maintenance where we needed to do that and create a safe working site that could include fencing, that working site.

01:22:10:08 - 01:22:16:06

Okay, but that would be for the duration of that work being undertaken and then reverting back to normal.

01:22:17:05 - 01:22:20:20

A. Absolutely, sir. Minimum time. Minimum interference. Yes.

01:22:21:01 - 01:22:23:09

Is that any clearer, Mr. Lewis?

01:22:23:18 - 01:22:28:27

Yes. On the basis it would only ever be a temporary which fully understand and accept that.

01:22:28:29 - 01:22:35:17

Okay. Thank you very much. Would you like to go on and talk about your individual clients?

01:22:35:20 - 01:22:49:16

Yes. If I could please talk about executors of Evans and if somebody could assist me by bringing up the plot numbers and making large enough so I can see the films realised I can't read them. A few alone.

01:22:57:22 - 01:23:01:20

Rachel Williams on behalf of the. It's a 1744.

01:23:07:10 - 01:23:09:27

Fuck yes. Yeah, that's correct. 1744.

01:23:11:15 - 01:23:46:10

Act On behalf of the executives of Gwyneth Evans, who is the thrilled owner of Plot 1744. She's actually also the owner of other plots, but we're making no representations on those because they're away from here. This side of this plot is part of a larger area, land to the southwest, all of which is currently under an option to to a national housebuilder who are promoting it for residential development.

01:23:47:09 - 01:23:54:15

I have submitted a recent update to themselves which I want to say to read out, but it's available.

01:23:54:21 - 01:23:55:09

And I've read it.

01:23:55:11 - 01:24:26:12

That's fine. And the Plan 1744 is currently scheduled to be acquired permanently for mitigation, as well as accommodating the the pipeline through it within the proposals of the developer that 1744 to provide public open space, which is a requirement of a planning application and it accommodates the public open space requirements of the remainder of the site.

01:24:27:01 - 01:25:06:21

The loss of control of this site will severely impact the residential development on the remainder, with significant financial loss and viability as the requirement for the three acres will then be moved on to the remainder of this site. We believe the requirement for the mitigation at this location is unreasonable and excessive and we would look at for you to to reconsider the requirement for that in the circumstances and the significant loss which incurs as a consequence.

01:25:07:07 - 01:25:34:16

Can I ask you about the status of any planning permissions granted on the site with regard to the national housebuilder that you're referring to? Is there a planning consent in place? Is if not, have you made an application or have you even sought screening or scoping opinions in relation to the plots or not you personally? But has that work been done?

01:25:35:20 - 01:26:21:14

No application has been made and there's no consent in existence. It was promoted through the local local plan review and you scored well as a site. But it wasn't it did not become an allocated site. They are confident that during the course of the option, which I believe to an extent confidential, is 10 or 15 years that the site will, they are very confident it will be forthcoming and there is a possibility of an application may be submitted as early as early as 2023, 2024 only depending on various matters within the planning framework for Flintshire County Council and the delivery of houses.

01:26:21:16 - 01:26:41:08

I read that in your your submission documents, but but essentially it's been through a local planning process. It wasn't included in the current local plan, which Flintshire has just adopted in January this year. So, so it was a site that was excluded from their housing matrix effectively

01:26:43:06 - 01:26:45:19

or discounted, I should say, not excluded.

01:26:48:02 - 01:26:54:20

So there's no policy allocation and there's no formal planning permissions in place. Just to get this straight in my head.

01:26:55:08 - 01:26:56:18

Agree? That is correct.

01:26:56:20 - 01:26:59:25

Okay. Thank you very much. Understand that if you'd like to carry on.

01:27:00:24 - 01:27:15:07

Yes. The other two clients think we've covered our views on the Evans's is Pearce at Northrup. Pearce at Northrup Hall.

01:27:17:15 - 01:27:18:01

Again.

01:27:19:01 - 01:27:22:24

Yeah, we brought up on behalf of the applicant. That's plot 1913.

01:27:25:11 - 01:28:01:03

So again, this the extent of the mitigation land, the severance of land beyond the mitigation land is unacceptable to to the owners. The the width of the easement, which virtually sterilizes a whole of the the field and occupies it. We object to there is development interest within this. There's no formal again, I would add it, there's no allocation and there's no planning consent, but there is potential for it to come forward in the future.

01:28:01:05 - 01:28:27:01

And there have been approaches made for the land. They were completely abandoned. Once the developers became aware of the high net proposals, we would look to try and relocate the pipeline, remove the mitigation and the severance areas in order to try and mitigate the impact upon the future use of the land.

01:28:27:15 - 01:28:35:19

Okay. Again, I've just got a question on that. You say you said there's no planning consents or allocations. I assume you're talking about housing again as opposed.

01:28:35:22 - 01:28:36:20

It would it would.

01:28:36:22 - 01:28:38:18

Be any other form of development.

01:28:39:00 - 01:28:42:11

It's residential, I would imagine.

01:28:43:12 - 01:28:49:09

And but but again, was it even a site that was investigated as part of the current local plan?

01:28:49:12 - 01:28:54:24

I don't think so. I was not involved with with the owners during the representations period.

01:28:55:18 - 01:29:22:03

I mean, clearly, if if you come if you're able to give us any more information about that, please submit it at deadline for. Um, but you know, if, if it comes to light that there was an allocation, a local plan or they made a representation in the local plan, um, then I'd be interested, um, in your response at deadline for if there's nothing further, I'll understand that and there's no reason for you to comment further. I can.

01:29:22:12 - 01:29:29:14

Provide evidence of approach from the developer's bona fide evidence that they would be willing to.

01:29:29:18 - 01:30:07:05

The providers here is, as far as I'm concerned, is the the status of the land in any development value it might have at that point in time. So evidence of a valid planning consent, evidence of an allocation in a local plan, um, you know, clearly of an intention of support from the local authority of that something of that sort of nature we really after. So um, confidential stuff from developers between the applicant or sorry, between your client and and them doesn't need to be entered into the examination unless you feel it's of any benefit, but then would also highlight GDPR risks by doing that.

01:30:07:07 - 01:30:08:15

So um.

01:30:09:11 - 01:30:14:24

We'll consider the extent of that and involvement of, of a potential developer. All right.

01:30:14:26 - 01:30:20:21

Okay. And have you got anything else to add? I think your other client was Mr. and Mrs. the.

01:30:20:24 - 01:30:59:28

Mr.. Mrs. Hurst we have made quite a bit of progress on this one. The the concerns, one of the large concerns was the question of valuation, which obviously we won't and not in a position to enter into in relation to that and the heads of terms which which were given to him on on that we have a fundamental disagreement on how how it should be valued. On the practical issue, my client there recently acquired the property, which was a very large residential dwelling with a question of facilities.

01:31:00:00 - 01:31:37:01

He built a great expense and manage which was included within the the the working width and the easement width. I am hopeful that we have now agreed some, um, amendments to that. We are still waiting perhaps for that to be confirmed in a greater degree of confidence or confirmation. And also I

would suggest that an actual detailed plan of where it goes because it's all been slightly broad brush as to where it sits in relation to the proposals.

01:31:37:14 - 01:32:04:21

The other concern we had was in relation to, to access. Um, and I think we hopefully will be able to ensure that there's no access to a remainder of a property to gain access to the, the pipeline. And I think hopefully that can be agreed by negotiation. So a lot of this particular one has hopefully resolved itself or will resolve itself by negotiation.

01:32:05:05 - 01:32:15:21

Okay. Just just for clarification, the plot we're talking about a 1603 and 1604, is that correct? I've got my. Because I checked in the book of reference this morning.

01:32:17:22 - 01:32:19:11

I'm so sorry. My eyesight.

01:32:19:13 - 01:32:20:11

That looks correct. Yes.

01:32:21:15 - 01:32:26:06

Sorry. Joe Williams, on behalf of the applicant, it is plot 1603 and 1603.

01:32:26:24 - 01:32:27:29

Yeah, right. Okay.

01:32:40:18 - 01:32:42:09

Okay. Think I understand.

01:32:47:19 - 01:32:54:10

I just ask what's immediately surrounding those two plots sort of to to both the north, northeast.

01:32:54:22 - 01:33:14:17

To the north, the well, the manage and the residential curtilage to the property, domestic garages, lawns, gardens lifted, etcetera. And to the southwest is is remains of a field, a pasture field.

01:33:14:24 - 01:33:20:15

But this this is a field within your client's ownership that has its agricultural land value. Um.

01:33:20:25 - 01:33:35:24

Assuming that I believe without prejudice to anything, I believe our view is it should be valued on the not as agricultural land within as part of a residential property value.

01:33:36:00 - 01:33:42:25

And there's, there's some sort of planning evidence that confirms that's included within the original residential commercial which no.

01:33:42:27 - 01:33:51:05

It, I'm not saying it's within residential curtilage of value in I believe it's part of a house with five acres, not five acres plus a house. Right.

01:33:51:07 - 01:34:03:21

Okay. Okay. I understand that the difference. So I'm just just thinking about in terms of planning law, what would be an original residential curtilage compared to other.

01:34:03:24 - 01:34:06:27

It would it would still be agricultural under planning.

01:34:07:01 - 01:34:29:11

Okay. So so it's a potentially. Well, you've just confirmed it's agricultural, so thank you. That makes it clear in my mind. Thank you for that. Would the applicant like to come back on any of the points they've heard with regard to, um, Mr. Lucy's clients? So that's Mrs.. Mrs. Evans, um, Mr. and Mrs. Hurst or Mr. Pearce.

01:34:31:28 - 01:34:39:14

Thank you, sir. Parliament for the applicant. I don't think we have anything to add on the housing proposals. As you've noted, the planning status

01:34:42:00 - 01:35:05:00

and the extent of mitigation land and why it is where it is. And we have clearly set out a case for that. We are happy to do so again and we are happy to do so too. Mr. Lewis If it would be of assistance to him and with regards to his final client and in particular, the bill that has is seeking to be addressed as change request one so don't think can usefully add terribly much at this time.

01:35:05:04 - 01:35:17:18

Right. Okay. Understand that point. Um, and again, in terms of the change requests, we will be discussing those hopefully week commencing the 7th of August, as long as all the dates align

01:35:19:03 - 01:35:25:06

and it's likely to be later in the week as opposed to earlier. Um, but.

01:35:27:05 - 01:35:33:16

That will keep you advised on that. And we'll notify all parties as required by the regulations as to when those

01:35:35:06 - 01:35:42:09

new meetings with regard to the change request will be held. Okay. Is there anything else you would like to add, Mr. Lewis?

01:35:42:11 - 01:35:43:29

No. Having covered all the points.

01:35:44:01 - 01:36:15:19

Understood. Has anybody got anything to add to what they've heard Mr. Lewis say or anything the applicant said in response? Thank you. There's no indication either in the room of virtually. Um, I just want to. I noticed the time, but we're very close to finishing this section. There's just a couple of things that I want to mention once. Once about Network Rail who aren't in attendance today. Um, and one is about people in Ray who also aren't in attendance today.

01:36:15:21 - 01:36:45:21

I'll deal with Network Rail first. Um, and. Clearly in their objection, they they have objected to a number of the articles within the DCO and we're covering the tomorrow. But just for clarity. That's Article 19 regarding to the discharge of water, Article 21 with regard to authority to survey investigate the land Articles 22 Protective Provisions, 24 Compulsory acquisition of land, 26. Compulsory Acquisition of Rights and Restricted Covenants.

01:36:45:26 - 01:37:16:19

Article 27 Statutory Authority to override easements and other Rights. Article 28 Compulsory acquisition of Land Minerals 29. Private Rights 31. Acquisition of subsoil and airspace 33 rights under and over streets, 30 for temporary use of the land for carrying out the authorised authorised development. 35 Temporary use of the land for maintaining the authorised development and 39 the felling and lopping of trees and the removal of hedgerows.

01:37:17:02 - 01:37:56:10

They are contained within the draft echo and they objected to those articles which would authorize the promoters to compulsorily acquire the land or rights over the land, or temporary use of the land, which forms part of the national rail operation. Railway land which railway network Rail say they rely on to carry out its statutory undertaking. And bearing in mind that they are not here, I'd like to invite the applicant to give an update with regard to where they are in terms of compulsory acquisition and temporary position in relation to network rail over and above what you've submitted at deadline three.

01:37:56:29 - 01:38:07:02

Because clearly I've read what you've said already at deadline three if there is anything, if there isn't, fine. But you can just say if that's possible. So. So would you like to respond?

01:38:08:07 - 01:38:42:26

Well you for the applicant. Um, we are primarily progressing with network rail through a combination of protective provisions and a framework agreement. We have made good progress on that. We are down to essentially two issues, one of which have had positive instructions on earlier this week. Need to go back to Network Rail, so I can't pre-empt their response to that, but I'm hoping it will be positive. We are as part of those protective provisions we would be agreeing to. Receive the land rights necessary under Rio to do what they call an asset protection agreement.

01:38:42:29 - 01:38:56:11

We are currently reviewing the standard terms of that agreement. We think it might need a couple of small tweaks, but nothing substantial. We are not aware of any in-principle reason why Network Rail and ourselves will not reach an agreement in reasonably short course.

01:38:56:20 - 01:39:38:24

Okay. Um, obviously because they're not here today, should Network Rail be watching the live streaming or watching the recording of this event or listening to it even? And they would still like to make comments in response to what they've just heard from the applicant concerning ongoing discussions and negotiations. Then they should make such comments by deadline for which is Tuesday the 20th of June 2023. Again, the same the same applies to planes. They've they've indicated that they're not in attendance today because think they're obviously reserving their position because of the change requests that have been made and they're looking to to do whatever response they want to make or comments they want to make in regard to subsequent hearings.

01:39:39:04 - 01:39:56:09

Um, but again, I would be interested in, um, observations from the applicant with regard to where they've reached at the moment with regard to any, um, negotiations. If you're able to update us at this stage beyond what you've already told us, that deadline three.

01:39:59:22 - 01:40:26:25

David Walker on behalf of the applicant. I can confirm, sir, that we've been in active discussions with Plenary on a number of their topics that they've raised in their representations, specifically regarding access as as brought up by our colleagues and search and drainage and their points on the

environmental statement. We are progressing and have meetings planned to resolve any remaining issues as the plan.

01:40:27:03 - 01:41:01:21

Okay, that's understood. I've just got a question about maybe you might be able to help me. You might not be able to help me on this because a number of the representations that they've made, they've referred to different types of agreements. And I was just wondering whether the one and the same thing and they've just given them all different names or whether they are three separate agreements. So they've mentioned um, a land agreement in rep 3049 paragraph 2.2.47. They've, they've mentioned an asset protection agreement in rep 1044.

01:41:02:00 - 01:41:21:03

In response to question one 618 of first written questions. And then they've also made a separate reference to private agreements. Um, and as I say, I'm just there's lots of agreements there and they might all be separate. But I was just wondering if they were actually one on the same thing.

01:41:22:08 - 01:41:43:25

Parliament for the applicant. In principle, we are pursuing one agreement with Peel. And those names are slightly overlapping elements of that agreement. So the lands, the asset protection and any sort of private elements, confidential, commercially confidential elements would go into a side agreement to that mainland agreement. There are not set three separate agreements in negotiation so far as understood.

01:41:44:06 - 01:42:03:20

So there are different elements, but they're all going to be contained in one agreement with them. Okay. So don't need to get confused but haven't seen one element as opposed to the other. Well, I won't see them anyway because they're private between you and your your client and and peel. So. Okay, that's fine. Thank you very much. Um.

01:42:05:27 - 01:42:31:06

The only other things that I've got to ask about is a note that there was agreements being made between and potential options agreement with white events limited. Um, and I was just wondering if there was an update available for where you've reached with that. That person or that company.

01:42:41:14 - 01:42:51:23

It's Shawn Williams on behalf of the applicant. So always Events Limited is a tenant of the Gladstone estate. We're currently pursuing agreements on a voluntary basis with the estate at the moment.

01:42:53:24 - 01:42:54:09

Okay.

01:42:54:21 - 01:42:58:11

So they're still being progressed basically all that that agreement is.

01:42:58:27 - 01:43:06:03

Yep. So negotiations are still ongoing with the estate and the tenants will be asked to obviously sign up as part of that agreement.

01:43:13:19 - 01:43:54:11

Thank you very much for that clarification. Um, quite clearly, I've asked a lot of questions in first rounds of written questions with regard to compulsory acquisition, temporary possession. Um, and is not all those persons present? Not all affected persons, um, accepted the offer to address the examining authority today. Um, in regard to their individual objections issues or in regard to voluntary

agreements. I will ask, um, I will ask them if they do have anything further they want to say, anything that they've said today, whether they would submit those in writing by a deadline for should they wish to do so.

01:43:54:13 - 01:44:28:25

There's no obligation on them to to submit further representations, but they're welcome to do so, should they wish. Um. I think we've been going for quite a long time now with five minutes over what we were originally anticipating for breaking for lunch. So, so am going to break for lunch now. I'm proposing to come back at 2:20, so that gives everybody an hour unless anybody has an objection. Um, and um, on that basis, I am adjourning this meeting. It is 1:20 and this meeting is adjourned at returning at 2:20.

01:44:28:27 - 01:44:30:04

Thank you very much, everybody.