

**HyNet\_10 Aug\_CAH2\_PT2**

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FULL TRANSCRIPT (with timecode)

00:00:04:28 - 00:00:33:24

So thank you. I'd like to resume this compulsory acquisition hearing into the high net carbon dioxide pipeline projects. Time now is 11:15. Can the case manager confirm that everybody can hear me in the live streaming and digital recording has recommenced, please. Yes, thank you. Before we broke, said we were going to move on to national highways. I've just realised that I haven't yet invited

00:00:35:14 - 00:00:47:00

Fisher, German or Stevens account on behalf of Mr. and Mrs. Ultramar to speak, and I'd like to do that first, in actual fact. So in that case, I'd.

00:00:48:24 - 00:01:04:04

Are you speaking both individually or are you speaking? You know, as one as such. Do you have you got any agreement between your Richard Baker Fischer, German, acting on behalf of him?

00:01:04:19 - 00:01:12:15

The intention is that I will speak that there may be further points which will be provided by Duncan Tilney. Okay.

00:01:12:17 - 00:01:44:18

So if Mr. Tilney would like to interject at a point when he thinks it's appropriate, just put your camera back on and I'll invite you to speak at an appropriate point in time, if that's okay. All right. So. So, Mr. Bobby. Mr. Baker, would you like to say what you wish? The. The plots I believe you're interested in. In total, um, the plots cover 1803 to 1807, 18, ten, 18, 11, 18, 13, 18, 14, 18, 16, 18, 18 to 18.

00:01:44:20 - 00:01:58:03

21. 18, 25, 18, 26, 1904. 1904, 18, 1904. B But I think you've indicated your specifically interested in the access on the change request, is that right?

00:01:59:00 - 00:02:35:02

Richard Baker Fischer German occupied behalf of Mr. Trim. That's correct. It's with particular interest for parcel 1817, which I want to raise some comments on on behalf of my client. As you're aware, Missus Ultra Farm, Newbridge Farm and the holding is divided into two parcels. The farm is on the south side of Holywell Road, and a large proportion of the land is on the north side of Holywell Road, with access via the track, as shown on the plan, which is to the north east of the farm.

00:02:35:04 - 00:02:42:06

And it adjoins the green area of 1813, 18, 16 and 1817.

00:02:43:27 - 00:03:19:05

The concern that we have is that in view of these recent proposals, 1817, which is coloured green, requires a temporary acquisition for an exclusive use by the applicant. This, as you can see on the plan, covers the front section of the track and effectively renders the access to the land inaccessible.

This is the only access that my client has for moving the 200 cow dairy herd from the farm to the land north of Holywell Road.

00:03:20:08 - 00:03:37:20

My question is to the applicant how they intend to enable my client to access this section of land in view of their proposed requirement for this temporary acquisition and exclusive use.

00:03:43:22 - 00:03:53:01

I'll invite the applicants come in at that point. Think it's an appropriate point. Before we go on to any other points you might wish to make, if that's okay. So would you like to respond?

00:03:54:15 - 00:04:26:09

Well, let me get you for the applicant. Yes. Sorry. Although this is temporary possession, we are not. We have sought to work with the landowner and we are not seeking to exclude his access at that point. We have set that out in the options paper, which is before you as rep 6037 and we have proposed that to the landowner. At the moment the mechanism for securing that with the landowner is not progressing because they asked us not to send them any further heads of terms at this stage. We have made the offer. We stand by and we are willing to secure that.

00:04:26:11 - 00:04:32:26

The has access to that land will be maintained in a suitable form. It is just the form that is proving difficult at the moment.

00:04:40:03 - 00:05:07:26

But Mr. Baker, what what position are you going to be in in with regard to moving ahead with any agreements? Are you in a position to are your clients willing to to look at the options that have been put forward? Or did you say you have actually submitted that to them on a formal basis or did you say that it hasn't yet because they've stopped, they've asked you not to send further heads of terms?

00:05:13:02 - 00:05:28:10

Although for the applicant, we do have updated heads of terms we would like to share, but we were asked not to send them any further documentation. It is in the process in the options report that we are happy to commit to that, but it's not in a document that's currently employed. Mr. Baker's clients.

00:05:29:17 - 00:05:40:01

Mr. Baker, Can you confirm whether or not your clients have instructed to stop further heads of terms being exchanged or passed parts between you not exchanged but passed between you?

00:05:42:10 - 00:06:13:15

Baker Fisher, German on behalf of Mass Ultra. I can confirm that the position with my client is that they want clear guarantees that their access will not be interrupted whatsoever for the movement of their cattle and vehicles 24 over seven Um, and they're not prepared to look at anything further until that is. We are 100% clear on the position from the applicant.

00:06:15:07 - 00:06:17:05

Can the applicant respond to that at all?

00:06:20:03 - 00:06:49:00

Uh, for the applicant, there's two points. There's a 24 over seven that that's, you know, this is an access we need to give you a because on a note, what we have said is that we will pause our vehicle movements at the two times of day. The cattle need to go in and out so that we don't interfere with that movement. Not that we it will be unimpeded 24 seven. And then there's the process point of

asking us for a clear guarantee, but then asking us not to provide the documentation that set out. And it's a bit challenging for us to do that, frankly.

00:06:56:23 - 00:07:26:12

It is. It is a bit of an impulse, isn't it, in the that you you can't provide the information they're asking for because they've asked you not to provide it yet. They want to see it. So. So how how are you going to resolve it? Mr. Baker With the applicant, is there a way forward? Is there a solution to this? Is it's difficult to see how we can progress we how the applicant can progress negotiations with you if your clients ask them not to send any further heads of terms.

00:07:28:25 - 00:07:43:20

Richard Baker, Fisher, German, on behalf of Messrs. I think it'd be worthwhile if Mr. Tilney joins the meeting at this point. I'm sure he may have a point to make on this.

00:07:43:24 - 00:07:45:29

Okay. Thank you, Mr. Tilney. All right.

00:07:48:02 - 00:07:51:13

Uh, thank you, sir. Um, can you hear me okay?

00:07:51:15 - 00:07:52:04

Yes.

00:07:52:19 - 00:07:53:10

Thank you.

00:07:53:17 - 00:07:54:02

Um,

00:07:55:11 - 00:08:30:11

it's not a point on which I have specific instructions from my client, but the way that you put it, sir, I do recognize the, um. The difficulty, uh, in in in seeking to guarantee yet not guarantee the position that my my client wants to wants to seek. It seems from the comments just made by on behalf of the the applicant that um. A guaranteed 24 hour access is not going to be a matter that's on the table.

00:08:30:26 - 00:09:05:12

Um, and I'm not entirely clear at this stage whether the nature of the impasse is that we're never going to get what we want, um, or that it's something slightly less than that that we need to further consider, um, what might be reached as a compromise position and then invite the heads of terms setting those out. I suspect that this isn't because it's going to rely on the position of our clients and their.

00:09:07:10 - 00:09:24:20

Farm operational needs isn't going to be a matter that we're going to be able to resolve today. But we do welcome the update, and it's probably something which we're going to need to update you on, perhaps at seven.

00:09:25:00 - 00:09:57:26

Yes. Okay. I've got a quick question. In actual fact, the applicants mentioned access twice a day for for your client. Now, I'm not a farmer. I know nothing about dairy herds. Does anybody know whether or not that twice a day is what they currently operate at? How how often do they use that access? Is it twice a day? Every day? Is it. What is the purpose for unfettered access? 24 over seven.

00:09:59:06 - 00:10:43:28

Would you back Fisher Chairman on behalf of Mrs. Ultium? I can confirm that accessories are required unlimited access at all times. There are currently two periods during the day that cows will be required to access that track going from the farm to the field after milking in the morning and coming back in the evening. Um, and that process is two way. So there's two periods during the day, but also there is vehicle movements throughout the day, potentially at various times during the year for inspections, for doing various land work and for bringing cattle back for various health testing, etcetera.

00:10:56:06 - 00:11:33:09

Mean, is this something that could be resolved between the applicant and I'm not going to seek to get it resolved now. Indeed, it's not for me to resolve, but it's in both parties interests to to get to a resolution point. I noted what Mr. Tierney said about responding at deadline seven, and that would be very helpful. But I would remind all parties that there is now less than six weeks left in the examination. If the issue can't be resolved before the close of the examination, then the objection will stand and I will have to write my report to the Secretary of State on the basis of that and come to a conclusion myself.

00:11:33:11 - 00:11:38:26

So it's in the interests of both parties to to try and reach a solution.

00:11:41:09 - 00:11:52:07

Because otherwise I'm going to have to decide what I'm recommending to the secretary of state, which would be outside of any influence that you could give me after the examination closes. So.

00:11:55:03 - 00:12:20:15

I personally think that you should endeavor to to resolve these issues as quickly as possible. Um, but it's within both parties remit to sort it out. And if it can't be sorted out then then the position will stand out as, as the close of the examination, whatever that position might be. Thank you very much. Is there anything else you wanted to add, Mr. Baker?

00:12:22:01 - 00:12:23:13

Nothing for me. Thank you very much.

00:12:23:15 - 00:12:25:23

Mr. Tilney, is there anything you would like to add?

00:12:26:06 - 00:13:00:13

Thank you, sir. I was just going to just going to note, because we're going to come on to the cost application, which is in respect of the removal from the order limits of the land accessed up the track that we are in this sort of paradox that our representations are not losing the land to the temporary construction compound have been recognised by the applicant and that's been released, but they've blocked off our access to it. And that is just just to summarise where, where we've got where we've got to.

00:13:00:15 - 00:13:04:03

But I take your point on the six weeks and the seven. Thank you sir.

00:13:04:06 - 00:13:40:29

Yeah, I completely understand that. And obviously if you do get to a point where you are at a point where you reach agreement, you need to make sure you've put enough time into that to to get all whatever documents or agreements signed and completed between the two parties and to notify the examining authority of your agreement and any withdrawal of concerns that you've already

set out. This is nothing new. I've said this to the other parties already today, so but but obviously you need to make sure that although there's six weeks, it isn't as long as people think.

00:13:41:21 - 00:14:16:04

We've already had four and a half months, I would have hoped that these sorts of situations were getting to a point of resolution by now. But can we can I ask the applicant and in your clients to to endeavour to resolve it as soon as possible. And obviously, if it can't be resolved, that will become apparent by the end of the examination. But I would much rather know that there is a mutually agreeable position between the parties as opposed to having to come to a conclusion and a recommendation to the Secretary of State which one or other party might not be happy with.

00:14:16:06 - 00:14:19:15

So it is in your own interest to try and resolve.

00:14:21:01 - 00:14:26:07

Is there anything else you would like to add in regard to any of your other plots or on this plot

00:14:28:04 - 00:14:28:19

now?

00:14:28:21 - 00:14:29:16

That's it. Thank you very much.

00:14:29:18 - 00:14:30:07

Thank you.

00:14:32:20 - 00:14:36:00

In that case, I'm going to ask the applicant for a final right of reply.

00:14:37:09 - 00:15:11:03

Thank you, Sir Paul Majidi for that book. And we just want to be very clear about what the access is here. And we're talking about twice a day. We're talking about the movement of large numbers of cattle. We are not saying that we would prevent access for Mr. Baker's client in a in a single vehicle to take access to other land at any other time. That's absolutely not what we were seeing. We were asked about the movement of large numbers of cattle and pausing our vehicle movements, and that is the two periods. The only thing I could possibly suggest outside of voluntary agreements as some sort of protective provision to that effect.

00:15:11:05 - 00:15:13:28

But again, we've been asked not to send any documentation.

00:15:15:10 - 00:15:48:13

Okay. I think Mr. Baker's heard those points. Um, as as as as has Mr. Tilney. And I'm sure that we, in discussion with their client and getting instructions as to how to move forward, but it is clearly in the interests of both parties to get this matter resolved. And I would strongly urge both parties to communicate with each other in, in a reasonable fashion. And I would also just like to say thank Mr.

00:15:48:15 - 00:16:02:15

and Ms.. Altham for their time on Monday, sorry on Tuesday for showing us their concerns on the site and allowing us onto their land to to view it. It was extremely helpful. So thank you very much for that.

00:16:04:01 - 00:16:05:24

Did you want to say something, Mr. Baker? Yeah.

00:16:05:26 - 00:16:08:14

Thank you. And I'll pass on your thanks to Mr. Trump.

00:16:08:16 - 00:16:41:29

Thank you. Okay. And in that case, unless anything's got anything to say in regard to this particular plot or these plots or in relation to the auctions, I am going to move on. National Highways is my next one. I've got no indication in the room, so am moving on or online, so I'm going to move on. National Highways objected to compulsory acquisition and originally advised they may wish to speak. Um, they listed quite a number of plots, but the key plot numbers were 506, 509 and 705.

00:16:42:11 - 00:16:42:26

Um.

00:16:45:03 - 00:17:20:08

I also noted National Highways deadline five submissions, including the legal opinion submitted, which was Rep 5051 where as well as the applicants as well as the applicants. Detailed response to that set out in Appendix A on its comments on the submissions received at deadline five. That's their rep. 6-035. Unfortunately, National Highways, although originally intending to speak, haven't attended today for various reasons, which I won't go into, but would ask the applicant if they would like to make any comments or further

00:17:22:18 - 00:17:35:28

their views known. Further, with regard to the objections that have been raised by national highways over and above the position that they have already set out and mentioned in the appendices at deadlines in their submission.

00:17:40:08 - 00:18:07:07

Paul McGrew for the applicant. Sorry, we don't think there's much we could usefully add to our submission at this stage. Our position remains that in principle we accept that protectable provisions for the benefit of national highways are valid. It is the wording of those that is not agreed, not the principle negotiation is on going on voluntarily and agreements with national highways under a separate process. We note their continuing objections. We do not agree and we do not agree that there are serious detriment in this case.

00:18:07:22 - 00:18:08:08

Okay.

00:18:09:23 - 00:18:25:08

Again, it seems to be a position where there there may be an impasse between the two parties whilst there is still six weeks, six weeks in the examination to to go forward. It doesn't seem to me that it's.

00:18:27:05 - 00:18:58:29

A point where where you couldn't reach agreement. But there just needs to be some reasonable position set by both parties. You are at complete opposite ends as far as I can see with regard to your positions and interpretations of various bits of legislation. And I note what both parties have said. But again, I'm going to have to come to a position where I make a recommendation to the Secretary of State based on the information and evidence before me.

00:18:59:23 - 00:19:38:15

And unless you can resolve, unless national highways and the applicant can resolve it, one party is not going to be happy with whatever the result is and that is not a good position to be in. So I would

strongly encourage both national highways and the applicant to resolve this matter in a mutually agreeable way as soon as possible, and they should do so well before the close of the examination. It is very frustrating. It's four and a half months in that you're a complete polar opposites in terms of your interpretation of various bits of legislation and it is not helpful.

00:19:38:17 - 00:19:40:27

So don't mean to be too.

00:19:42:23 - 00:20:08:11

Strong on this, but I would really very strongly urge both parties and I'm not just singling the applicant out here. I'm saying I'm talking to you both, but would strongly urge you both to sort it out. It's not not a comfortable position to be in when I'm making a recommendation report to the secretary of state where I've got complete polar opposites on legal positions. So.

00:20:11:13 - 00:20:45:23

We will seek our own legal opinion. In any event. But I would like you to come to some sort, as both of you, to come to some sort of mutual ground, if it's at all possible, and would urge you to do that as soon as possible. I'm not going to leave at the point anymore. I think it's understood if there's anything that national highways have seen or on the live streaming or the playback, if they're watching it, they're more than entitled to make comments in regard to that by deadline seven, which is the 5th of September.

00:20:46:04 - 00:20:46:19

Um.

00:20:49:05 - 00:21:04:01

I'd also like to highlight two national highways that will be included in a question in the third round of written questions for them to answer a full and considered response to the applicants. Comments on submissions made at Deadline five Appendix A, which they haven't yet done. So

00:21:05:17 - 00:21:20:14

that's the applicant's submission and our document reference rep 6-0 35 And again, it's appendix A that I would I have and will include into the third round of written questions specifically for national highways.

00:21:23:04 - 00:21:28:02

Does the applicant want to say anything else as a final right of reply to anything they've heard or said? Thank you.

00:21:30:02 - 00:21:35:12

I'm going to move on to the Canal and River Trust. They're not present today, as far as I understand. But if they are, can they let me know?

00:21:38:12 - 00:22:09:16

The Environment Agency present today. Don't believe they are, but can they let me know? Carter Jonas, on behalf of Travelodge. Right. So Canal and River Trust that was plots 803 to and 906 environment agency they were primarily plots 6026036 ten and six dash 11 and Carter Jonas on behalf of travelodge UK was plots 1906. I'm going to ask the applicant if they can update us on any of those positions.

00:22:09:21 - 00:22:12:13

Um, if at all possible, please.

00:22:19:25 - 00:22:34:13

Paul McCartney for the applicant on the Canal and River Trust. We have been negotiating a voluntary agreement with them. We think that has made good progress. There's very little between. As soon as that is agreed, we will be able to agree the protected provisions, and we believe that will resolve their concerns. Sir.

00:22:39:06 - 00:22:45:11

Okay. So nothing on the Environment Agency or Carter Jonas with regard to Travelodge.

00:22:50:11 - 00:23:00:04

A problem for the applicant. The Environment Agency have received updated heads of terms for us. We understand that they have appointed an agent to deal with us, but we have not had yet had updated comments on those revisions.

00:23:09:02 - 00:23:19:10

Problem for the applicant Travelodge are not currently in receipt of terms because they are not an affected landowner. They just hold the rights and are negotiating with the landowner. So do not have any substantive update, I'm afraid, sir.

00:23:19:12 - 00:23:21:14

Okay, that's fine. Thank you.

00:23:24:16 - 00:23:29:12

Are there any other interested parties or affected persons who qualify who might wish to speak now?

00:23:32:09 - 00:24:04:12

Get no indication in the room and no indication online should any affected person or interested party or the representative. Be watching live the live streaming of the playback of the digital recording and would like to make a comment in relation to anything they've heard from the applicant or any other party and concerning compulsory compulsory acquisition or temporary position or any negotiations with those parties, then they should make comments by deadline seven, Tuesday 5th of September 2023.

00:24:04:14 - 00:24:47:24

In writing. Please. If there's nobody else wanting to speak in relation to this agenda item, which is under item four proposed to move on to agenda item five, which is the book of reference. The statement of reasons, lands plans, diligent inquiries and updates. Nobody's indicating anything else on our agenda. Item four. So moving to agenda item five, in accordance with the published agenda, the examining authority intends to ask the applicant to summarise progress made since compulsory acquisition hearing one including anticipated progress during the remainder of the examination, which is less than six weeks, especially where there has been an objection to rights to be acquired and set out where it has not been able to progress discussions with known parties, including steps taken.

00:24:48:13 - 00:25:12:06

I've noted your most recent schedule of negotiations, which is Rep 6004 submitted at deadline six A, which was the 8th of August. So my question is, I think really, do you have anything you wish to add in regard to progress and discussions with known parties, including steps taken over and above that response since that rep was submitted, which was only two days ago.

00:25:16:29 - 00:25:21:02

Follow me for that. Given the recency of that, there's very little to update, I'm afraid.

00:25:22:09 - 00:25:32:25



I wasn't sure I was going to be able to read it before today's hearings, which was the main purpose of including it within the agenda. But I have read it, so thank you very much for that. Um.

00:25:41:12 - 00:25:55:19

Should any other party wish to make a comment in regard to the applicant's most recent schedule of negotiations, which is 68004. They should make those by deadline seven, which is Tuesday 5th of September 2023.

00:25:58:04 - 00:25:58:19

Should.

00:26:05:02 - 00:26:05:23

Can.

00:26:07:19 - 00:26:33:10

Can the applicant give a quick comment on where they think they're going to reach by the end of the examination on outstanding negotiations? Is there any confidence that you're going to be able to complete most of them? Are you not likely to complete? 50%. You know, it's I know it's a bit of a difficult question to answer, but is there anything you can say in regards to your expectations of completions on agreements?

00:26:39:04 - 00:27:04:06

Paula McKinney for the applicant. The applicant has issued revised heads of terms with the revised commercial offers really benchmarked in response to some of the feedback we got to the previous one. We are confident that we'll resolve a lot of landowners current issues and make some substantial progress on those over the next couple of weeks. Unfortunately, those landowners all had the woods for a couple of weeks, so we do not have a return rate that we could advise you of at this time. I'm afraid.

00:27:05:05 - 00:27:16:13

That's fine. It was just think the question was really a prompt and and at least an acknowledgement that you've got it in hand in some form. So thank you for that. Um.

00:27:17:29 - 00:27:26:03

Can. Does anybody else want to say anything with regard to to that question on progress with landowners? I know.

00:27:27:18 - 00:27:38:16

This is all true. And their position already. Don't think you need to add anything to that, but you're welcome to say something if you want, or any other landowner that's present. If they wish to speak now, they can do so.

00:27:40:21 - 00:28:08:11

In no indications I'm going to move on. Since the first compulsory acquisition hearing, the applicant has summarized the steps taken to identify any unknown parties. But has. Has any of that changed in the intervening period? So. So you gave me a nice, succinct summary of steps being taken for unknown parties at that first compulsory acquisition hearing. Has anything changed since then? Or is your position still the same?

00:28:11:28 - 00:28:20:12

Thank Bramhall for the applicant. The steps taken to identify unknown owners, parties and interests remain in line with that response at that time.

00:28:20:28 - 00:28:31:21

All right. Does any other party wish to say anything either in the room or online with regard to unknown parties and identification of them or any interests during the examination?

00:28:33:11 - 00:29:11:01

Get no indication. I'm going to move on. Um. Diligent inquiries would like to move on to now. Um, yeah. Because response during compulsory acquisition hearing one is noted again, as was the applicant's response to the first round of written questions, which was rep 1-004 and specifically question 1.60.4, which set out your approach to identify unknown ownerships. Is there any further update in regard to those diligent inquiries since compulsory acquisition in hearing one, especially in regard to identifying unknown ownerships?

00:29:13:29 - 00:29:31:09

If he ran over the applicant again. So as noted in compulsory acquisition hearing one, a land registry refresh was undertaken at around about that time and that was incorporated into the book of reference that was submitted at deadline for. So that's where at 416 and 17 being the.

00:29:31:11 - 00:29:32:01

Tracked version that.

00:29:32:03 - 00:30:00:04

Shows those changes. And along with any other updates that have come to light as a result of engagement with landowners over over time as well, those changes in land ownership and occupation have been made that have been made known to the applicant, continue to be made to the book of reference submitted at each deadline. There's no specific updates in terms of unknowns, but as and where updates come to light, they are they are put into this book of references.

00:30:15:26 - 00:30:29:17

Thank you for that. Does anybody else wish to say anything with regard to what they've just heard in regard to unknown ownerships? No indication. So I'm going to move on. No indications in the room. No indications online. Um.

00:30:31:28 - 00:30:54:19

Moving on to intended use of the land and with a reasonable alternatives have been explored. And what the right sort, whether the right sort of legitimate, proportionate and necessary in terms of flexibility, it's clear that detailed design is ongoing or will be held at some future point after the conclusion of the the development consent order. Um.

00:30:56:15 - 00:31:36:04

The applicant has advised of a number of alterations to the order limits since compulsory acquisition hearing one. Um, and with that in mind, can the applicant clarify what liaisons with affected parties has taken place and whether this will continue throughout the remainder of the examination and whether the examining authorities should be anticipating any further change requests, albeit that there would need to be non-material change requests at this stage in the examination. Also, since compulsory acquisition hearing, one has the applicant's response regarding the need and the process to consider human rights to secure to be secured during detailed design changed at all?

00:31:39:02 - 00:31:55:12

Up for the applicant. We're going to respond to that in three parts of that's acceptable. Yes. So just on the point about data design is not ongoing. The work we're doing just there's not detailed design that will not start until we have a the delivery contractor is appointed. They will undertake that work. Understood.

00:32:01:04 - 00:32:13:28

We are not at this. We are not anticipating or planning or in the process of preparing any further change requests to this application. And my colleagues are going to update you on the leads on part.

00:32:16:29 - 00:32:57:18

Yeah, sure. Williams On behalf of the applicant. So in terms of engagement, we're continuing with the affected parties. This is including site meetings, teams, meetings, calls, correspondence with those landowners and and their agents also. And in terms of the changes submitted to the examination, these changes have been discussed with the affected parties and a number of these changes included happening as a result of those ongoing discussions with the affected parties and at the request of the landowners themselves. So engagement will continue through the remainder of the examination, especially in association with the discussions and negotiations for the acquisition of land via voluntary agreement.

00:32:57:29 - 00:33:01:23

And no further as mentioned, no further change requests are anticipated.

00:33:10:23 - 00:33:11:14

And just

00:33:13:00 - 00:33:18:00

for the applicant address the last point of human rights. Our position remains, as we expressed in the previous hearing, sir.

00:33:30:22 - 00:33:37:15

Thank you for that. Does anybody else in the room or online want to say anything with regard to what they've just heard? Back from the applicant, please.

00:33:40:12 - 00:33:42:20

No indications. And I'm going to move on.

00:33:50:03 - 00:34:23:24

So if there are any affected persons that want to say anything after watching the live streaming or the listening to the digital recording, if they have any comments or they might put anything in writing to us, then they should do so by deadline seven 5th of September 2023. I'd like to move on to Crown interests, statutory undertakers, special category, land compensation funding and other matters. Primarily, I'm just going to talk about Crown interests and special category land. So could the applicant provide me with an update with regard to any crown interests, please?

00:34:25:25 - 00:34:34:10

Bearing in mind I'm still aware of document submitted at Deadline six which updated us on the schedule of changes or scheduling negotiations, as you say.

00:34:34:28 - 00:35:10:03

Thank you. Yes. Um, so the applicant provided a response at at the first compulsory acquisition hearing to confirm that of the five original crown bodies that were in the book of reference to submission. Only three of them remain. So the three that we're that we require crown consent from our the Secretary of State for Defence, Welsh ministers and the Crown Estate. Now the only ones that remain holders of interest within the scheme. So the changes have been made into the book of reference and, and all of the various documentation reflects that now as well.

00:35:10:19 - 00:35:46:15

I think you also ask the question of the Canal and River Trust at the time of the acquisition hearing, and they have since confirmed that they are not Crown interests. So taking each one of those in turn. I'll start with Secretary of State for Defence. We are in contact with the relevant party at the Ministry of Defence and they have confirmed that they are arranging for a letter of consent to be signed in a form that has been accepted elsewhere on on their template. And they are, they are um, content with what we have told them and they have told us that they are signing that letter.

00:35:46:17 - 00:35:57:29

We hope to have it shortly and we'll submit it as soon as we have it received as it comes directly to you. And we will continue to follow that up to ensure it is received before the end of examination.

00:36:03:15 - 00:36:04:24

Thank you. Yeah. Got that?

00:36:04:27 - 00:36:39:04

Moving on to Welsh ministers then. So as is set out in that schedule of negotiations at deadline 60. The negotiations are ongoing with the Welsh ministers. As as we've noted elsewhere, the applicant has continued to review its commercial offering and benchmark this against other comparable land transactions. And as such, updated heads of terms have been issued recently to the Welsh ministers and they've acknowledged receipt of those and we are seeking a meeting with them as soon as we can to try and progress that and that into a Crown consent as well.

00:36:51:22 - 00:36:52:09

Thank you.

00:36:52:28 - 00:37:26:08

The last one, then, is the King's most excellent Majesty in right of his crown. The Crown Estate. We are in contact with the relevant party at the Crown Estate. They have confirmed that they can prepare a draft section one, 2321352 consent letter, which is what's relevant to them. Discussions are ongoing and we expect the letter to be provided shortly. Again, with no technical concerns. As far as we're aware from their side and we'll continue to follow that up as well to ensure it's received before the end of the examination.

00:37:26:21 - 00:38:00:29

Fine. Thank you very much. Again, in terms of all of these things and banging the drum again, but it needs to be submitted, all of those need to be submitted before the close of the examination for us to be able to take it into account during the report writing phase. Anything received post close of the examination will not be seen by us. So it it makes a big difference in terms of what we have to do. So it's in your interest to get it to us if you can possibly, please. Does anybody else have anything they want to say with regard to what they've just heard with regard to crown interests? Please.

00:38:01:01 - 00:38:05:28

That's either in the room or online. Okay. No indication. So I'm going to move on.

00:38:07:14 - 00:38:26:15

I'm going to go to special category land. Um, there is only one parcel of land which is special category land, which is plot 1702. So if you can call that up, I'd be grateful. And if you could zoom in on that plot, that would be helpful. Thank you. I'm just going to move to it as well.

00:38:37:27 - 00:39:23:09

Right. So, um, in relation to the open space plot 1702 my understanding is the applicant is seeking compulsory acquisition of a section of subsurface of strata for the pipeline route. That pipeline would be installed using transit crossing techniques and the applicant's applicant asserts that there would be

no interference with the open space during the pipeline installation. However, they're also seeking compulsory acquisition rights for the form of a in the form of a restricted cabin over the surface of the plot 1702, which would comprise pipeline protection rights, including preventing inappropriate development or construction of trees and construction of treatment, plant construction or planting of trees.

00:39:23:25 - 00:40:06:13

Um, however, I'm slightly unclear on what rights are being sought in regard regarding the enabling of the installation and subsequent operation of the new underground drain. Um, this is an installation. This installation is not proposed by trench crossing techniques. Um, it will involve temporary digging up of the surface which will be reinstated at the end of the installation. But the what I would like to ask is what rights is the applicant seeking to enable the installation and subsequent operation of the new underground drain? Are the applicant seeking compulsory acquisition to enable the installation of the drain and subsequent operation, or are you looking to install it under some other mechanism?

00:40:09:00 - 00:40:21:29

Permit applicant a compulsory right to install and maintain in situ and operate the drainage would be included in compulsory acquisition attaching to the land within which the paper's leaders are right.

00:40:23:19 - 00:40:55:00

Right. But doesn't because you're affecting the surface, does that because at this point you're only seeking sub strata or subsurface. Right. Um, and the other, the main pipeline is being undertaken by trenching techniques. But the drain pipe, you are actually having to break the surface. So you're does that not require you to have surface rights to undertake that work?

00:40:56:10 - 00:41:06:25

Parliament gives you for that book. And our proposal, sir, is to undertake the work using temporary possession powers, then remove from the surface of the land and maintain it and set you under a permanent self surface. Right.

00:41:07:03 - 00:41:07:25

Okay.

00:41:11:02 - 00:41:41:19

In that case, if you're seeking temporary possession plot 1702 isn't in the temporary possession schedule. As far as I could see anyway, and nor is anything in I believe it would probably be Article 35 that would allow you to do that. Of the This is sorry, I'm I'm assuming everybody knows what I'm talking about. But within the development consent order schedule, 7 or 8 covers temporary possession.

00:41:41:22 - 00:41:59:26

Can't remember which one it is, but can't recall the plot. 1702 is actually within that. And also Article 35, which is relating to maintenance and temporary possession rights. I can't see anything in there that would allow you to to, to lay this strain.

00:42:01:01 - 00:42:07:05

But for that, I'm afraid, sir, I'm going to respectfully disagree with you on your interpretation. I'm happy for.

00:42:07:07 - 00:42:13:24

You to correct me. That's why I'm asking the question. It's not something I'm particularly familiar with. Drainage righteously.

00:42:15:09 - 00:42:50:09

So temporary. The temporary possession powers apply to technically all of the land within the order limits unless they are displayed. Right. The temporary possession schedule is land of which only temporary possession is a restriction on the compulsory acquisition powers. Within the order we can only use temporary possession. So we are compulsory acquisition is sought and the rights of temporary possession are also in place on that plot because they are not excluded. Therefore, we consider that an appropriate to temporarily possess the surface small area of the surface under those powers and then take the permanent rights.

00:42:50:11 - 00:42:51:18

Right. Okay.

00:42:51:23 - 00:43:04:08

If you could give me a written explanation of that, that would be exceedingly helpful because I have sought legal advice on this and I got a. Quite to

00:43:07:03 - 00:43:28:04

sit on the fence answer I think is the it's the correct terminology. It said in this case, this happens. In that case, something else happens. And and to be quite frank, I'd much rather ask you and get the answer from you and be clear as to where you stand with it. So I'm grateful for that. Um, I'm going to mark that down as an action point.

00:43:47:24 - 00:43:48:11

Okay.

00:43:51:00 - 00:43:57:23

Right. So I'm just going to skim through the rest of the questions I have because because of your response to that, some of this isn't relevant anymore. So.

00:44:17:15 - 00:44:35:12

I think what I'm actually going to do is I'm going to transfer some of these questions into the third round of written questions, because I'm in the light of your response, I want to give them some further thought and then we'll incorporate whatever I need to into my third round of writing questions. Um.

00:44:37:27 - 00:44:40:21

So I'm going to skip all of these bits.

00:44:48:21 - 00:45:01:07

Can leave that to that can leave that there. That takes me to the end of my question with regard to crown rights, does anybody else have anything they wish to say with Crown with regard got special category land.

00:45:03:08 - 00:45:39:08

Somebody in the room. There's no indication online. In that case, that ends this section. But I'd say just be alive to the fact that I'm potentially going to include some further questions with regard to plot 1702 in the third round of written questions. If there isn't anything there, then then I'm satisfied. But if not, I will get questions put in. I've written them all out anyway, so it won't take much to change them. I'm going to now move to article or agenda item eight unless anybody else wishes to say anything in regard to this particular agenda item, which was agenda item seven.

00:45:43:10 - 00:45:50:01

Get no indication in the room, no indication online. So that's compulsory acquisition and temporary possession matters.

00:45:51:18 - 00:46:19:21

Any other compulsory acquisition and temporary possession matters. And this is the point where I'd like the applicant to comment on the cost submission that has been submitted if you feel it's appropriate to do so at this stage and set out your concluded position with regard to the plot number specified in the claim. What I mean by concluded position is are you changing your position as a result of the cross application in regard to the plots that you excluded at the change request?

00:46:21:17 - 00:46:39:26

Well, let me give you for the applicant. In short, no, sir, we are not changing our position because of the cost of the application. We concur that the plot number is listed in that application are ones we have sought to have removed from compulsory powers and they are correct numbers. Any further response on costs we would prefer to make in writing?

00:46:40:04 - 00:46:45:20

That's that's perfectly fine. It was just giving you an opportunity to make a comment at this stage if you wished.

00:46:48:03 - 00:46:54:19

Does anybody else wish to say something with regard to the cost application in the light of what they just heard from the applicant?

00:46:58:11 - 00:47:01:25

Okay. In that case, I'm going to move on. Um.

00:47:06:05 - 00:47:14:06

Sorry, Mr. Tilney, were you indicating? I didn't. I wasn't looking at the screen at that particular point in time when you came on, so I apologize for that.

00:47:14:18 - 00:47:15:14

Sorry. It was probably.

00:47:15:16 - 00:47:21:08

Just sufficient for me to say That's probably a question to me. Thank you. Now we'll wait to hear from the applicant in writing.

00:47:22:12 - 00:47:25:02

That's that's perfectly fine. But thank you very much.

00:47:25:04 - 00:47:25:19

So.

00:47:30:09 - 00:47:45:22

Right? Does anybody else have anything else they wish to say with regard to this agenda item? I have no further questions. Um. Unless any other affected person wishes to make an oral submission with regard to compulsory acquisition and temporary position at this stage.

00:47:47:14 - 00:47:47:29

Nope.

00:47:48:03 - 00:47:55:00

No indication in the room. No indication on line. So I'm going to move to agenda items nine and ten, which Mr. Shrigley is covering. Thank you.

00:47:56:21 - 00:47:57:20

Thank you. Um.

00:47:58:04 - 00:48:06:21

Starting with any other business. Um, are there any other matters relating to this compulsory acquisition hearing which haven't been covered that need to be raised?

00:48:09:00 - 00:48:15:25

I'll just pause for a moment while everyone online has opportunity to mention anything if needed.

00:48:17:12 - 00:48:22:05

No, nothing's. No responses. Um.

00:48:25:28 - 00:48:39:01

In terms of action points. There were a couple recorded. Just discuss them which. Yeah. So think Mr. Butler and I'll discuss those and we'll publish a note.

00:48:41:13 - 00:49:18:18

Given we've completed all agenda items, there's no longer a need for the panel to use the reserve date for the compulsory acquisition. Hearing matters that could have been used on Friday, which is tomorrow 10th of August at 930. As such, we confirm that the Reserve date alluded to for this hearing is cancelled in line with the Rule 13 letter of the 18th of July 2023, So no further notices are required of this cancellation.

00:49:18:20 - 00:49:30:29

To be clear, the Reserve date still stands in relation to any potential spillover related from the open floor hearing, but not in relation to today.

00:49:32:20 - 00:49:47:27

The matters we've discussed have been extremely useful to the panel and we'd like to thank all parties for their contributions. The time is it is just 12:05 and the compulsory acquisition hearing is now closed. Thank you.

00:49:48:12 - 00:49:49:00

Thank you.