

TRANSCRIPT_CAH1_SESSION1_A57LINKR OADS_08022022

00:05

Good afternoon, everybody. The time is now 230 On this first compulsory acquisition hearing there 57 linkers project is open. Thank you all for joining us today. Please could a member of the KTN confirm that clearly and that the live streaming and recording started?

00:23

Yeah, I can confirm you can be heard and seeing clearly on the live stream has now started. Thank you.

00:30

Okay, thank you. Hopefully we won't be disrupted in the same way that we were this morning. Thank you. Okay, thank you. To avoid disrupting hearing please put everyone keep your microphone muted and camera off until we invite you to speak. Thank you. And my name is Stuart capsulate. And I'm the Lead member handle of examining inspectors appointed by the Secretary of State the application made by highways England an order granting development consent for the 857 encroach project. Whilst the application submitted under the name of highways England, the applicant stamp has since changed to national highways.

01:13

Good morning. My name is Yana Dyer, and I'm the atom member panel. As the examining authority, we will hold an examination to this application, and then write a report to the Secretary of State with a recommendation on whether or not consent should be given. Case team works alongside us for that process. With us today is Edwin mortally, who is the case manager. The case offices, our prayer and Max ball are known from through some housekeeping methods. And we'll repeat a couple of things that were covered in the arrangements conference for those that are watching the live stream or the recording. As I have already mentioned, this event has been both live streamed and recorded. As explained in our letter with the six things December 2020. The recordings will be retained and published. These recordings will form a public record and can contain personal information to which the general data protection regulations apply. The planning Inspectorate purpose is to retain and publish recordings for a period of five years from the Secretary of State's decision on the development consent order. Therefore, if you participate in today's hearing, it is important that you understand that you will be recorded and that you therefore consent from retention of application of the digital recording. We will only ever ask for information to be placed on the public record that is important in relevant to the planning decision. It will only be in various circumstances that we might ask you to provide personal information type that most of us would prefer to keep private or confidential. Therefore, to avoid the need to edit your recordings, what I would ask is that you try your best not to add information to the public record that you would wish to keep be kept private, or that is confidential. Please could anybody

joining in teams minimising noise. This includes switching off or muting your mobile phone if you're not using it to join the hearing. Please also remember that the chat function on teams will not be able to join us. So please don't try to use that questions or comments. We will only use the raise your hand function in Microsoft teams at specific points in the agenda. When we invite general comments. We invite people who do not have that feature. An opportunity to comment at the relevant time if you're watching the live stream, and please be aware that the live stream will be stopped when I during the hearing. You will need to refresh your browser browser page. To view the restarted hearing will remind you again when we adjourn. You will find it useful to have our letter of the 16th of December 2021 and the agenda that was published on the 31st of January 2022. relevant parts of those documents will be displayed on the screen during the hearing. For those who are watching. We will highlight which parts of the documents were referring to for anybody that is not watching. I will now ask certain parties to introduce themselves. Please unmute your microphone. And if you're comfortable to switch on your camera one I invite you to speak please switch them off again when I move to the next speaker. If There are a number of people representing the party, then please all join the screen with cameras on together and introduce yourselves one by one who is representing and who speak for the applicant, please.

05:16

Good afternoon, sir. It's Vicki Fowler, a partner at Gowling W. LG, and I'm the legal advisor for national highways. And I'll be joined by Richard furling. So there are a number of the team in the room and I don't necessary expect to call on them but very happy to introduce the various members in the room. John, would you like? Would you like me to do that, sir? Yes. Shawn, would you like to start? Hello, I'm John Barker. I am the DCO manager for Balfour Beatty Atkins. Andy Dawson. i Good afternoon.

05:56

My name is Andrew Dawson. I'm the Senior Project Manager for national highways on the 57th roads.

06:02

And Matthew Robinson.

06:05

Good afternoon, sir. Matthew Robinson, the design project manager for both BT Atkins on behalf of the applicant.

06:12

Chris Kennedy. Yeah, afternoon Chris Kennedy, engineering manager for Balfour Beatty Atkins on behalf of the applicant. And then drum Greyston

06:26

I believe you're still muted. Mr. Close the

06:29

apologies. Apologies. Hi on the multi discipline DESIGN LEAD FASB kids on behalf of the applicant.

06:35

And then Richard Sobey.

06:41

Good afternoon. I'm Richard Sabby, the district valuer

06:43

of Athens. And then finally my colleague Richard Serling.

06:48

Good afternoon, says Richard furling Gowling and with Mrs. Fowler, legal adviser to the applicant. Thank you. I will now invite the other attendees to introduce yourselves giving your role in the name of the organisation that you're representing. Thank you. I turn first to 10 solid Metropolitan District Council

07:14

Good afternoon sir James Felton locum solicitor Tameside Borough Council.

07:21

Thank you. Hi, Pete Borough Council Good afternoon Mark James principal Planning Officer Hi Pete Borough Council Warner Eric power I'm warm abou from car house farm Hollingworth. Will, John Bella, the attending this afternoon. No, he won't. Thank you for confirming that. Michael Brookhouse. No, he won't be attending.

08:15

I'm sure attending you.

08:19

Hello, I see that we have some someone representing Daksha. County council. Would you introduce yourself?

08:27

Yes, good afternoon, sir. I'm Steve before I'm a team leader in planning policy monitoring to publish County Council. Thank you.

08:38

Thank you all for attending today. So the purposes of this compulsory acquisition hearing will now run through so that the application for the proposed development includes a request for an order granting development consent to authorise compulsory acquisition of land or compulsory acquisition of an interest in our right or the land. The purpose of this compulsory acquisition hearing is for the examining authority in an eye to examine the applicants case for compulsory acquisition and temporary possession and to invite affected persons and the applicant to make or representations about those matters. This hearing is held in accordance with section 92 of the Planning Act 2008 and is subject to our powers of control over its conduct. This hearing will help us to consider where the relevant legal and policy tests applicable to compulsory acquisition and temporary possession proposals have been

met. We've structured the hearing today so that you may contribute and we invite you to speak at the relevant point on the agenda. As always, please keep your microphone muted and camera off until we invite you to speak each time that you speak. Please give your name and if appropriate organisation for the formal record. And again, as always, please direct your comments questions and answers to us rather than directly to Neither party will not cover the points in the agenda that was published on the 31st of January 2022. Please could a member of the case team share a copy of the agenda on the screen? Just wait for that to come through. And could you zoom in a little bit, please?

10:23

Thank you.

10:25

We're just about to complete agenda item number one, which is the welcome remarks introductions housekeeping. One final point into this agenda item for everyone's comfort, we'll be taking regular breaks. We may or may not need a break as hearing depending on the progress we make, but if we do, we will take breaks at intervals of between an hour and a half. And then a break from b b for 10 or 15 minutes shortly go into the main part of the hearing. When we'll go through each of the items in turn. We should be able to cover all items by 5pm. However, that is subject to change depending on progress. We might need to carry on longer or move some items to find out. And depending on the progress that we make, we'll give you updates on the timescales as we go along. Depending on progress, we may ask for responses to some of the questions in the agenda to be provided in writing, rather than during the hearing. These could the applicant provide a written summary, bollocks responses for deadline for on Wednesday, the 16th of February

11:41

to keep our on behalf of the applicant? And yes, of course.

11:44

Thank you. Are there any questions about the agenda or about how this hearing will be conducted? Not Thank you. So we'll now run through the main part of the hearing from item two onwards, as we discussed, considered necessary rule raised and in fact responses take further contributions as further questions and provide them with an opportunity to reply. Again, Can I remind you each time you speak please give your name on and on whose behalf you're speaking. Thank you. So agenda item two. Different case now like to invite the African to take up to 10 minutes to provide an overview of its overall approach to comport compulsory acquisition and temporary possession in the context of the relevant tests. The purpose structure and content of the book of reference debt integrations and funding statements, that power sort the overall case and being granted. Please.

12:51

Thank you. So picking Fowler on behalf of the applicant. So I'm just going to start off briefly by just reminding those on the hearing in terms of the tests. So principally, there's two tests under Section 122 of the Planning Act 2008. So first is whether the land to be compulsory, compulsory acquired, is required for the development to which the development consent order relates, or required to facilitate or is incidental to that development. And the second is that there is a compelling case in the public

interest. In terms of the dclg compulsory acquisition guidance, there's five items effectively that the applicant needs to demonstrate. The first is that all reasonable alternatives to compulsory acquisition, including modifications to the scheme have been explored to is that the proposed interference with the rights of those with an interest in the land is for religious purpose, and that it is necessary and proportionate. Three is that the applicant has a clear idea of how the land is intended to be used. Five is that there are the requisite funds for the acquisition. And five the purposes of the order are legitimate and sufficient to justify interfering with human rights of those affected, and in particular article one of the first protocol and in the case of a dwelling article eight. So in terms of those tests, the applicants approach to compulsory acquisition and temporary possession. And the case for that acquisition can be found in the statement of reasons. And so the current version of that is our EP two dash, w three. So Section Three describes the power sought. Section four describes the land interests that are subject to compulsory acquisition, and section five sets out the case for compulsory acquisition. By way of summary national highways overall approach is fast it is necessary to acquire the land required for the construction and operation including maintenance of the scheme, where land is not already in national highways. possession. compulsory acquisition or temporary possession of the relevant land will be necessary unless the relevant interest can be acquired by agreements. National Highways do own a number of plots required for the scheme. But this land has also been included to enable any third party rights over that land to be extinguished. The powers to use land temporarily ensure that the appropriate work sites working space and means of access are available during the construction and maintenance period. And temporary possession powers with future rights are also sought provides space for mitigation and other permanent works such as utility diversions. The applicant considers that the land included in the draft DCO is the minimum landscape required to construct operate, maintain and mitigate scheme, albeit noting that the detailed design of the scheme has yet to be developed. So in that context, the limits of deviation have been drawn as tightly as possible to avoid unnecessary land take. In the event that less land proves necessary than the applicant would only to seek to acquire that part of the land that is required and will seek to minimise effects on the land interests. So we appreciate the point that we are today in terms of the hearing and during the examination, effectively, your assessment has to be on the full extent of the of the lands to be acquired. On the basis that, as I say, we haven't got detailed design yet. In terms of the case, so of whether there's a compelling case in the public interest. The Case for the scheme is set out in chapter two of the statement of reasons and in other application documents. So including chapters two and five of the case for the scheme, and that's document referenced our EP two dash 016. And together they demonstrate that there is a compelling case in the public interest for the scheme to be delivered. Suitable particular you'll be aware that paragraph 2.2 of the national networks MPLS identifies a critical need to improve the national networks to address road congestion, to provide safe expeditious and resilient networks that better support social and economic activity

17:27

in terms of the DC, DC HGW guidance and consideration of alternatives, as explained in chapter two of the consultation report, so that's reference E double p dash O 26. Chapter Three of the ies and chapter two of the case for the scheme, the applicant has explored alternative options for the scheme. In designing the scheme, the applicant has also considered alternatives and modifications to the scheme have been made to minimise the potential landscape. And so that process is described in chapter three of the environmental statements. The reference I have is a double p dash zero 60. I don't I don't believe

that that chapter has been updated. The applicant is satisfied that the powers of compulsory acquisition and temporary possession sought are necessary proportionate and justified. And Section six of the statement of reasons deals with the consideration of human rights. Annex A to the statement of reasons explains how each parcel of land subject to compulsory acquisition and temporary possession will be used, demonstrating the applicant has a clearer idea of how the land is intended to be used. And how the acquisition costs will be funded is dealt with in the funding statement. And that's application documents aidable p dash zero 24. So in summary, the applicant has demonstrated in the documents reference that the powers sought are in accordance with all relevant statutory and policy guidance in terms of the structure of the book of reference statement of reasons and the funding statement. So in preparing the DCO application, the applicant has carried out diligent inquiry in order to identify all persons with an interest in the order land. And those persons have been identified in the book of reference. So the book of reference, and the current version is our EP dash. So our EP one dash zero 11 lists the plots of land over which the applicant is seeking powers of compulsory acquisition and powers of temporary possession. So for each plot, it identifies whether the applicant is seeking to acquire the plot out rights or whether it's there's a power to create and draw require permanent rights or take temporary possession. It also lists persons with land outside the DCO boundary, who may be entitled to make a relevant claim for compensation due to the effects of constructions, or when the new roads come into use. So the book of reference is divided into four, four parts covering those, those those categories, I don't do propose to go through the parts. The statement of reasons, as I've said, sets out the reasons for inclusion of compulsory purchase powers. And I've run through the various sections there. And then respect to the funding statement. The purpose of that document is to demonstrate that the scheme will be adequately funded through the road investment strategy to raise to 2020 to 2025. And therefore, funding is no impediment to the delivery of the scheme or payment of compensation. And the fine in terms of the powers sought. So we touched on these this morning for those that are in the morning sessions. But effectively, we have article 22 compulsory acquisition of land article 25, compulsory acquisition of rights and restrictive covenants. Article 26, allows rights over land to be acquired instead of outright acquisition, and also provides for the extinguishment of private rights over land. In addition, powers are sought to enable temporary possession and use of the land and that's article 32, which costra refers to shedule seven, which effectively lists the parcels that are just for temporary possession. It is also open to national highways to acquire any other land within the limits of the land to be acquired or used, identified for permanent acquisition.

21:57

And, and that's that that ability to take temporary possession of any land within the limits is dealt with in article 33. Sorry, article 33 is actually to do with the maintenance so that that's ability to take possession for the purpose of maintenance during the maintenance period, which is five years from the date on which that part of the scheme opens. So So to conclude, without the grant of compulsory acquisition, and temporary possession powers, the applicant considers that it will not be possible to construct the scheme or realise the public benefits arising from it. And so that concludes the summary of the case for the applicant.

22:35

Thank you that was very helpful. And thank you for doing that. So efficiently. I think there are various aspects of the applicants case that we'll be going through in this hearing. And no doubt in future

questions and any other hearings that may be required on this topic. Some aspects that relate to compulsory acquisition, we will cover in issue specific hearings. So, for example, the case for the scheme, there are some questions related to that in the transport and traffic section, tomorrow's issue specific hearing. So that's how in principle, we'll be examining compulsory acquisition, I'd like to thank the applicant for the various updates that have been provided to date those most helpful and we'll come to some of those. And again, in a similar way to some of the issues were mentioned this morning. It is very important to see a lot of the progress updates. And that's helping to satisfy as that diligent inquiry is being carried out that alternative to compulsory acquisition powers have been addressed properly. So those those various objects we've asked for are important to us. And but thank you for the help that's been provided on that so far. So no, have no questions on item two. Thank you. And we'll now move to Item three, and deal with some individual objections. I believe that John Bauer isn't with us today. And so that will address items A and B three Airbnb. warned about, however, is with us, Mr. Bauer, thank you again for joining us. I hope your microphones working. Okay. Can you hear me? Yeah, I can hear you. And I can hear you. Thank you. Good. So can I just we've received a submission from your written representation, deadline one, which was quite succinct, in terms of your overall comments on the scheme. So so we have that in front of us. And we have some questions on that. Before we question you. Would you like to make a statement now to this hearing?

25:12

Yes, I had listed a number of points specific to various plots now. I was thinking in the interest of time, would you prefer to deal with those by writing?

25:24

That's, that's most helpful, if you can, I mean, if would you like to give an overview of the types of concern that you have to have the detail in writing will be very helpful? Thank you.

25:34

Yes, right. Okay. Well, I can deal with that by writing. So I'll just make a short statement.

25:42

Thank you.

25:44

My great grandmother bought this farm in July of 1990. And various members of my family farm this ever since. We've been fortunate over the last 50 years or so to have been in the position to buy up smaller farms that have immediately joined our farm and other plots of land. So that now we have a good unique situation with the houses and buildings in the middle of the land, which is all within a ring fence. Of course, it goes without saying that this benefit will be lost if the road is built as planned. The severance of this land and our inability to access it directly, will cause substantial interference to the efficient and cost effective running of our business. And indeed, it may be that we will have to substantially reorganise some fields in various ways. I was interested in Mrs. Fowler's part of Mrs. Fowler's opening statement this morning, when she said that she represented a public body, which was seeking to make the best use of public resources. Now, my family and I have been dealing with issues concerning these proposals for this particular over the last 20 years or so. This is the second scheme in

the last five years. And to be blunt, it's the worst from our point of view. And it appears to do even less from a traffic point of view. It is in simple terms a light for light replacement of warming lane, which will potentially have severe and substantial consequences for our business. And I've worked on a few figures as provided by the Highways Agency. We estimate that approximately 20% of the workable acreage of our farm will be lost during the construction period, which is something like 33 acres. And when construction is finished, we will lose 13% of the workable acreage round about 23 acres. And of that 23 acres, it would appear that perhaps a third will be on the top and serving some useful purpose, whilst much of the rest will be used for mitigation purposes, which seems to us to be a scandalous waste of an ever decreasing amount of viable agricultural land in this country. And that's now some of the most specific points I've got relate to waterways and maintenance of the various banks and cuttings when the road has been built. And I'd also like to say once it clear, clearly understood the information that has been surprised some supplied by crossways commercial estates regarding a potential housing developments on some of the separate ground most of which we has been submitted without any reference at all to ourselves. So I'd like that to be made very clear. And that's really all I've got to say just at this moment.

29:01

Thank you Mr. Bauer. So we will be most interested in hearing the detailed comments we have about the specific plots. And as you put those together interested in your any reasons why you think plots may not be required by the applicant? Any reasons why you think that either compulsory acquisition or temporary possession may not be required. So interested in those comments. Also very interested in understanding from you the practicalities for you of the temporary possession and compulsory acquisition in terms of how you manage your your farm. So interested in hearing about the practical issues because there's probably issues you have the greatest Understanding of, and we would like to understand those as well. So as much as you can provide, and that will be very helpful, we will do, our role is to challenge the applicant part of our list, we will challenge you, depending on what you get, but we will also challenge the applicant and try to get a better understanding of where things should sit between the two parties. So that's something we take very seriously. The more detail and that you can give us. And the clearest, the explanation you can give will obviously be the greatest assistance. Yeah. It's the quality of what you say rather than the quantity if you like, yeah, that will be important to us. In your before I invite the applicant to respond in your in your well, actually, I think Mr. Yes, my colleague has a point.

31:01

Yes. Would you be able to submit details of how and to what extent proposal would affect your business in the operational platform? Yes. And would you be able to provide such details within the timeframe of deadlines for all five? Yeah, we can do it by the 16th. Yeah. 60.

31:29

Thank you. So one of our as well as looking at the powers sought by the applicant for compulsory acquisition, temporary possession. We also there's a related point, which my colleague is looking machine is looking after, which is we need to look at the economic impacts of the proposed development. Yeah. And so economic impact on your business will be one of the things we need to consider. And although you, you mentioned that in your submission, deadline one, you don't provide

specific detail on it. Okay, so to understand why it's affecting your business view to substantiate that a bit more. Yeah. would help us to consider how we need to put that in the overall balance of things. Yes, slightly separate issue to the compulsory acquisition, temporary possession belts, it's related. Thank you, Mr. Vieau. Very much appreciate your submission there and look forward to receiving further information from you in writing. And with the good. Yes, thank you for the Africa. I'd like to respond. Please.

32:41

Thank you, Sir Richard failing on behalf of the applicant. And so obviously, the applicants listened carefully to what Mr. Powers and say there, and, and your response, and notes, obviously further details to come in writing. And obviously, if we get those specific details, then we can, once we receive those, we'll be able to respond to them properly. And fully. So we will do that as soon as they receive. So the only other point I'm perhaps make at this stage, sir, is to note that in the last compulsory acquisition shedule, the applicant did record the latest engagement between Mr. Barrows agent and the applicant in terms of discussions that are ongoing in relation to the potential for any early acquisition, noting the challenges, that they may be there because of the extent of man required, but continues that commitment to engage on that process. And to have discussions in relation to the various heads of claims that there may be in an attempt to develop those and resolve those as much as possible.

33:55

Thank you. Thank you. When was the was the last engagement?

34:00

The note I have here, sir, taken from the shedule was the 21st of January.

34:04

Okay. And Mr. Bauer, has there been a reasonable level of engagement with the applicant so far? Yes, that good. Thank you. That's good to hear. Thank you. And thank you to the applicant as well for undertaking to respond. And so we'll take the next steps in writing. And we'll be good to try to move forward, obviously, before we do our next set of questions. And that would be certainly helpful to us. So if you're able to meet deadlines for and then applicant responded, deadline five, that will be particularly helpful. And then we can move forward in questions and, if necessary, another hearing in April. Thank you. Thank you again, Mr. Bauer, up to whether you'd like to stay for the rest of the hearing, Mr. Bauer, or you may have more urgent things to do that

34:55

I'll stay for the time being Thank you very much.

34:57

Thank you. Thank you very much indeed. Right. That's that was helpful. Thank you. So let's move on to Item II, compulsory acquisition shedule. So thank you, thank you again for the opportunity for providing the shedule and providing updates on the progress that had been made. I tummy is to invite the applicant just to maybe set out a little bit more for as the progress that has been made during the examination. And then what progress it anticipates to make during the rest of the examination in

particular, focusing on where the parties are objecting to rights being quiet. So over to the applicant, please. And we have the shedule available on the screen in case you'd like to refer to it.

35:53

Pinky fell on behalf of the applicant. Thank you. Thank you. Thank you, sir. Okay, so in terms I don't, I don't necessarily feel the need to go into the shedule. But if I can give a sort of overview overview summary. So all parties so so just going back a step. So following D six, acceptance, obviously all landowners were notified. And national highways desire to acquire land by agreement was reaffirmed. The majority of landowners have responded indicating whether they are representing themselves or have appointed an agent to act on their behalf. And the the district valuation office is progressing discussions. So all parties that have confirmed an interest in opening discussions, as I say have been contacted by the district, valuer and initial meetings have been held. And you'll see from the from the shedule. So, it there's a the final column is the response for deadline three, that some some individuals have had more detailed sessions. So in particular, Tameside Metropolitan Borough Council with some of their land is acquired. We've there's been very detailed discussions with them. And also the Bowers, as we've alluded to in the previous question. So those meetings are summarised in the sheduled of progress. And as I say, they're in the in the far column. As to date in terms of the properties that have stood to be acquired, no one party has fully committed to entering into agreement or intent to sell since the DCO submission. And in some cases, such as land owned by John Joseph Bauer and Warner, Eric Bower, it has been agreed that early acquisition is challenging, just given the extent of land requirements and the difficulty at this early stage in assessing losses. And, and effectively what what the level of compensation would be, notwithstanding that discussions and consideration is being given to the various heads of claim. And also, obviously, there'll be discussions around math, math matters of concern and to see if any concerns can be alleviated. In terms of the residential properties, I believe us, I think it's 26 residential properties and a garage national highways in fact acquired 23 of those prior to DCO submission. So there's three properties remaining. And there's currently two active blight cases. And they relate to numbers 13 and 15. Old Hall lane, where offers have been made and advanced discussions are underway for acquisition. There's the one remaining private residence, which is the 21 a crack Dean old road, which is Mrs. Romulus property that you'll be familiar with sir. That is currently blighted by the scheme and we'll we'll come on to discussions on that property and in later questions. Contact has been made with the owner of the private Gary's but there's been no further discussion is expected until the scheme gains gains development consent, so that we haven't seen any real commitment to engage the utility companies they're being dealt with as part of the statute to take as consultation and diversion process and obviously, the discussions around protective provisions. So there's a small small, small number of parties that as of date have not formally responded and they are the owners of Grange farm and the owners of Roe cross industrial estate or the national highways is now in contact with unit tenants. So there are full Garriage style retail units that are left from Red Cross Industrial Park and the owner, as I say, the owner hasn't engaged but we're now making contact with the tenants were there's also we're also undertaking discussions on accommodation works to mitigate the effect of scheme on retain lands, which is particularly important for the farms and the continuation of their of their business post construction. So, so again, relating back to, to the Bowers.

40:34

So I think that's the summary of in terms of E and F. And forgive me if I've, if I've advanced to F ahead of you wanting me to but I mean, in summary, conservation, sorry, conversations will continue throughout the examination process. And indeed beyond to engage with all landowners in an attempt to enter into agreements. And to date no one party has to date refused to continue with those discussions. Albeit we have the two parties that that haven't really engaged.

41:06

Thank you. So. So in terms of Grange farm and Red Cross, what steps is the applicant currently taking to what what are the next steps because it starts with with those parties.

41:20

And I think in terms of I think what I'm what I'm aware of is the national highways team are aware of those parties, not least ahead of the DCO, there was contact for pre application surveys, etc. So that the intention now is for the project lead to make contact directly. And to try and bring those parties to to discussions.

41:57

Thank you.

42:01

Please remind me, I'm just just the shedule identified clearly where there is currently an objection to the powers?

42:11

Um, I can't I'm not convinced it does, actually. So we could add another column.

42:16

I think that would be helpful. Yeah, so one of the questions we sometimes have for ourselves is being clear whether a party is objecting or not shunted and to have the applicants view on that would be helpful. Okay. Thank you.

42:31

So we'll arrange for the next version of that sheduled to include that column.

42:35

Thank you. That's helpful. Thank you. So fine, we've covered it. Thank you. And Jesus slightly different matters. So there are a number of cases where parties haven't been identified or interests haven't been identified in the DCR. So this is the diligent inquiry question. What are the next steps that the applicant intends to take in that respect?

43:03

So I wonder if we may come on to this question when we there's this question further on have given an agenda item later on where you focus on three particular plots. And what I think what's become apparent is in terms of the book of reference, the land references approach has been to include a

known where land is unregistered. The reality is that as part of the diligence inquiry and I can run through the diligence inquiry steps in a large number of cases we actually know who the who the owner is, but the unknown is still there. Because of the fact the land is unregistered. So I think the number of unregistered interest is looks greater than is actually the case from in my mind so I can run through the diligence required methods that we have utilised today so and and any further steps that's that's been undertaken? Yeah. Would you do that please? Yes, certainly, sir. So so effectively in terms of digit indigenous inquiry so the first thing obviously, is using land registry records, including undertaking a search of the index map search. And so that so even in the case of unregistered ports, obviously, that's effective in terms of understanding the the land around and etc, undertaking local land charges searches, checking the electoral roll, where a property has a particular address and naturally the land questionnaire has been sent to that particular address and there's there's been door knocking if necessary, and that's generally lead to the the unknowns being identified. Otherwise, and we'll come on to this and some of the specifics. And then effectively there's there's a presumption. So for example, where so undertaking site visits and just seeing where boundaries are, etc, and fences and just just observing whether there's a sort of presumed use of that particular land. As I say, when we come onto the the detail plots further on then then hopefully, that will illustrate the points even more.

45:25

Thank you. And that process is ongoing as an active process during the

45:30

Yes, that's right. Thank you.

45:35

Okay, that's fine. Thank you very much. As you say, we'll come on to some of those specific plots later. Let's move on to item four. We're making good time. So item four, a. I can't find a record and a book of reference of data at deadlines free. So could the app can just run through its intentions but updating the book of reference during the examination, please? We lost the applicants.

46:18

I think he fell on behalf of the applicant, sir. Sorry, sir. Yes, no, no update was provided as there were no, there weren't any any updates. But I appreciate from your earlier comments in terms of wanting to see progress being made, sir. So I suppose our question for deadlines, five, seven and nine, is Would would you like to still receive a version of the book of reference, even if there isn't any update? Or is it only where there are changes that have been identified as part of that for those further inquiries, for example?

46:52

I think if there are no updates, then just to clarify that letter would be very helpful. I think it it can be tempting, from previous experience for book of reference updates to be made towards the end, rather than ongoing through the examination. And that can sometimes lead to a little bit of last minute excitement, which we'd rather avoid. So there's an encouragement really to provide updates as and when the information is available. I think that'd be that'd be helpful as a principle, if that's okay. But yes, if there are no updates, then no point in submitting a document for the sake of it would be nice to know

that there haven't been any changes. Thank you. diligent inquiry. So these are three plots that were mentioned earlier. So there's reference in the book of reference, and these are residential properties references to reputed owners and the question is really on where the progress can be made and establishing firmly establishing the ownership of diverse residential properties. So good. Respond on that please.

48:13

Vicki Fowler for the applicant some Yes. So, so, I have I have touched touched on these. So in addition to the land interest questionnaire, so where there's a particular address then as I say, the London interest questionnaire has been sent and otherwise site notices have been have been erected. And the land reference has also visited unregistered parcels were assessable to try and establish of the neighbour neighbouring title had ownership or if there were any indications of who the freeholder is, that separates if we take each in turn. So, plot three, six is the residential promises known as crack Diem, so 21 a, so that is Mrs. Bradley's property. So, effectively through the land interest questionnaire, we will be able to record Mrs. Bromley as the owner, but effectively the land references felt that it was best practice to keep unknown to show that the land isn't is unregistered. So effectively we are we are satisfied as as to who the owner is, and it may be appropriate to actually remove that unknown to avoid any confusion.

49:29

I think it says slightly confusing noises So tap that clarify that wouldn't be helpful. Thank you.

49:36

Thank you, sir. The next plots is plot 313 And that's all interests and rights in land comprising two square metres of land to the rear of residential property, premises known as for tall March close. Land interest questionnaires and chases have been sent to the occupiers of the adjoining property is at taller, much close, there's been no response to those. Number four, Thomas close is the closest property that's owned by national highways. And based on the boundaries national highways have been included as the reputed owner. Thank you. In terms of 319, that's all interest and rights in land comprising 18 square metres of land, the rear of residential promises, sorry, residential premises known as 15, old hall lane. So that's one of the properties that subject to the blank claim. The land does not have a register freehold. So the own known is there to reflect this. However, the reputed owner from the Land Information questionnaire has been included. So again, I mean, that's very similar to crack Dean, where actually, I think the unknown addition is confusing, and should be removed.

51:02

Thank you. Okay, thank you. No follow up questions on that. Thank you for that. And look forward to seeing the updates of the book of reference. We're proposing to take a break at this date, I'm happy to continue unless anyone would like to particularly take a break. Everybody happy to carry on. Okay, let's do that. Thank you. So let's, let's move on to Item five. So this is about how the applicant intends to use land, whether written or turned has been explored whether the right sorts of legitimate proportionate and necessary and that can turn with refer to the need to satisfy those tests. The first question, the flexibility, I think, is quite a difficult one to grapple with, in some ways, but let's let's see how we get on. So there was the applicant gave an outline earlier of the process that it is going through, and that

there's the potential during detailed design for the rights required to reduce. So so the applicant appears to have taken the precautionary approach, in some ways to ensuring that the rights can be acquired, such that it is confident that the proposed development can be delivered. But during detailed design, then those may reduce. But it creates quite an interesting position in terms of us needing to judge whether the rights being sought now are legitimate, proportionate and necessary, given that actually detailed design may prove they're not necessary. So it's, that's something that we're grappling with. And it's common to all projects actually are many. I shouldn't generalise to the projects, really, it's a common issue, I think, in some ways. So. So it's really having clarification. On that process. I think the applicant has suggested in their responses, a deadline to that, you know, that piece to be a reasonable potential for the rights required to deliver the proposed development to be reduced later, that seems to be a reasonable scenario. So, hope for described some of the concerns that we have there was an intelligible manner. So it could, it seems to me that if then, as the detailed design process develops, there can be scenarios where decisions are being made about which design option to adopt. So the the nature of the design process, which I have some understanding of is that there can be choices to be made. And some of those choices can be driven by cost by financial cost by timing expediency, there can be a balance of reasons that's looked at for making a particular design choice. And I think it's relatively unusual for a designer to then put into that mix human rights concerns, because that probably concerns that are not at the forefront, the forefront of designer's mind in some cases. So what I'm grappling with here is understanding what sort of weight would be given to human rights when design detailed design decisions have been made. And one option is chosen ahead of another option. So I was just wanting to explore that point did did that make reasonable sense. And could the applicant respond to these?

55:04

Thank you, Sir Richard telling the applicant say I believe I understood the point that you've, you've tried to articulate and the question that was put on the agenda there. There was a momentary lapse in my connection when you were talking about choices to be made. In the same way, press making connection was previous fallible as the examining authorities earlier, but but I think I have all the points I'll carry on. And if there's anything you feel I miss out, and you have to let me know. So I think the first point for the applicant is in terms of the examining authority, his assessment of whether the rights granted by the consent order, that is proportionate and necessary. The only approach that the examining authority can take is to base that on the provisions of the total consent order, as applied for the extent of the land plans and the land take that has been put forward. And on the basis that all of that land is going to be required as set out in, in those plans. And that's obviously the approach that Mrs. Fowler was referring to start with a hearing. And, and then, of course, chapters five and six, the statements of reasons and the case for compulsory acquisition, consider human rights on that basis, and conclude that all of the land subject to compulsory acquisition that the applicant is applying for, and any resulting interference with human rights is necessary or proportionate and justified in that, if that approach is taken, then, and the basis of the powers apply for in the consent order, represent a worst case, should the evolution of detailed design result in a reduction in the loans or rights required. And this may, and we can only say may result in an improvement against that assessment, but not a worsening. And, as you've noted, the applicant will as part of best practice, when looking at the detailed design, and as that is developed, review whether Landen rights proposed to be acquired can be

reduced. And but it cannot guarantee that at this stage, and therefore, your assessment has to be based on on what supplied for and I think that's got to be the proper approach. So

57:44

thank you. So let me let me go back to the options point. So the options point, I'll just run run through that again. So during detailed design, I can imagine that there are decisions that would need to be made during that process of about that there may well be various design options available to the applicant at that stage. And decisions would have to be made about which option to select during the detailed design process. And some of those decisions could be made on construction, practicality grounds that could be made on a financial comparison of options that could be made on one option being quicker to construct. And another one, there can be various criteria used to decide which design option to adopt. Because of the potential to reduce the rights that are required. I'm wondering, and from my own experience, in the design process, it would be quite unusual to be considering human rights considerations as you look at different design options. I'm not saying it's not possible, but it may be not at the forefoot, the forefront of the detail designers mind when they go through that process. So the residual concern, I guess is is understanding what consideration will be given to human rights when decisions are being made during detailed design about which option to adopt. And whether that would be you know, having some confidence that would be a consideration at that time. And hopefully you can understand the need for that because if you're if there's an option that would result that there have been some conflicting statements that we just made about we won't take any more rights than necessary. Obviously, that's not secured in any way. But it would give some comfort to understand actually there is a process in place that would make sure or enable that to happen to have those things as a priority during detailed design? I think these are quite difficult points. I think that's right. In some ways, it's because we're now grabbed, we haven't got the detailed design in front of us that has got the final definition of what is absolutely necessary. So that there's there's a little bit of ambiguity. Ambiguity is maybe too strong a word that there's a certain amount of change that may be possible later. So it's understanding how that would feed into the consideration of effects on human rights.

1:00:38

So I would wonder if I if I'm making invalid fowl around, or half of the applicants, sorry, which you might get onto mute, just to I was gonna say, so we've sort of got this potentially sort of competing priorities. I'm I mean, I suppose my responses that I go back to requirement three, the scheme that comes forward must be in accordance with that preliminary design. And, of course, we've got the the competing requirements in terms of environmental impacts. So again, which is why I think it is quite hard to give the Human Rights prominence because actually the, the know, materially worse, etc. is, is just, it's just as important. And if anything should take precedence, in terms of national highways remit, and obviously, their, their response. You know, very much they have particular objectives. So whether that be around the customer safety, etc. So, I think you're very right, so that it is difficult because of all of those competing, competing interests, I think it'd be very difficult to, to, to bring that team to the requirements in some way that suddenly human rights Trump's etc. So hence, I think we do hop back to Mr. Earnings sort of initial representative representation that really, you've just got to assume that all the land will be acquired.

1:02:12

Yes. And I think that's the normal approach. Forgive me for pursuing it a little bit. I, I can and yet, how do you weigh the types of rights that might be affected versus mitigation versus other issues, how you weigh one against the other, it would be very difficult to establish a firm and sensible process for that. What might be possible is to somehow secure a need for human rights to be considered at detailed design, as options are being considered. So just the overall requirement that they will be addressed, that they will be considered because I think I'd like to leave it to perhaps if you would consider that type of approach, general approach. And I think that's in the spirit of some of the general comments the applicant has made about if we can reduce the right slated we will do. So I think that's that's that's a common approach. So in some ways, it's formalising that a little bit, the same during detailed design, we will actively consider whether the rights required can be reduced, because there's nothing that that I can see. And please correct with that. We formalises that process requires that process to happen. So that's just a thought. As we maybe all grapple with this a little bit.

1:03:42

Vicki fell on behalf of the applicant. So we can certainly take that away. I think I think the Environmental Consultants will probably shoot me down but but also just wonder whether there's something in the in the reaction and appreciate that snot. It's not environmental, per se, but obviously, land take obviously does feed into some of the environmental effects. So yes, we can take that away.

1:04:05

And I'm not, you know, just to reiterate, I'm not suggesting that we try and set out the privatisation or put any detail to the process. I think it's supposed to have the comfort to know that it is secured that right will be actively considered during detailed design and the opportunity to reduce the acquisition of rights will be actively considered. Think of something of that type perhaps that might if I can leave that on the table just to consider. Yes, sir. Thank you. Thank you. Thank you very much. Let's move on to Item five. The applicant has actually provided a drawing in response to Item B. Thank you for doing that ahead of the list. Hearing that's very helpful. That document we've accepted into the examination yesterday, I apologise to parties who may not have had an opportunity to see that document in advance of the hearing that I think it was helpful to accept it, so that we can now discuss it. So if that drawing could possibly be shared on the screen now. And it will be very small, could we try and zoom in? towards the centre, and if you could move towards the centre of the drawing, please.

1:05:47

This is always quite challenging to do this live in a hearing. So, thank you for whoever's doing this. Right. That's great. That's great. So this, well, could the applicant just describe what what this what this drawing shows for us, please?

1:06:09

Vicki Fowler on behalf of the applicant, so, yes, so the drawing effectively, we were asked to provide a drawing that overlays the works and order limits on the land plans for the plots in the vicinity of the residential plots, where the applicant is seeking to acquire rights, I think I think you made them land in tress, and could these be annotated to identify where there is a potential for the rights to be reduced, identifying relevant safety and other issues. So so that that so effectively, the plan has that overlay, and then on the right hand side of the plan, so is a is a commentary taking, effectively road by road, and

describing why each of the residential properties needs to be acquired. Now, so I have those details in front of me, and we can take that road by road. So I would make the point that in terms of those residential properties, national highways owns all of those properties with the exception of three. So I don't know if you, the preference would be to focus on the three rather than going through all of the all of the properties in turn.

1:07:26

Yes, please, if we could focus on Thank you.

1:07:29

Okay. Right. So So let's, let's start off so I think you just see what I've where I've highlighted them so. So the full residential properties on on sheds on four lanes, so they're, they're all owned by by national national highways. There's seven residential properties on old road. And the only property that national highways do not own on old roads is 21. A crack dean. And that's a property owned by Mrs. Bromley. And we'll come on to detail consideration of her property.

1:08:10

Thanks, sorry, sorry to disappoint you that. Could you first buy the three properties?

1:08:17

Oh, gosh, I might need to bring in Matthew Robinson here if Matthew wouldn't mind.

1:08:23

Three. Could I ask the case where the where? Where the the arrow is pointing at the moment on the drawing? Could we zoom in on that and a bit more, please? So it's 21 a old road? And a bit more please, a bit more.

1:08:39

I put you in a very small screen screen. Yes, that that's that's 21. Acer.

1:08:46

Yeah. So can I suggest we go to each property in turn? Shorts? So 21 a old road. So could you run through that hole for us first?

1:09:00

Yeah, so in terms in terms of fat property. So you'll see from that plan, that the property is obviously not on the direct line of the road. But the concern is that property may be impacted by ground movement resulting from the works. And so on under item C, I've got some more background information regret, in respect of that ground movement assessment. I'm happy to move into that. That detail and why there's a concern.

1:09:35

Thank you. Yeah, yeah.

1:09:37

So effectively, an assessment has been undertaken of the potential ground movement at 21 a old road resulting from the construction of the this is the area of the Mottram underpass. The results from the assessment indicated likely total building settlement in order of five to 20. millimetres. And importantly, Oh sir, that does not include any movements due to D watering. And the values are only indicative as the ground movements could vary significantly from those predicted due to the variability in ground conditions. So at the moment those those calculations are theoretical. Based on those settlement figures, then the initial building damage assessment is very slight to slight. Effectively, we need a structural engineer to undertake a more detailed assessment to determine the like the likely impact of the predicted range of movements upon the structure. And we and we have made requests to do that assessment. But as I say, it's also dependent on the further ground surveys and ground conditions and D watering. So the concern is that the potential ground movement could be much greater, and the damage to the property more severe. So, at the moment, I think we are suggesting that for the purposes of your assessment, the worst case is that it should be assumed that property would need to be acquired.

1:11:26

So, in terms of the amount of settlements, so these are settlements caused during construction and post construction. So, it's the accumulation of settlements during all the various phases. And it will be to some degree dependent on the construction methods used for us.

1:11:50

I think, I think it's I think it's I think effects. I think it's it's ground conditioners. Well, I think I'm also advised that there may be potential for an eight by eight metre pumping station for the foul water diversion on the property to the rear of the building. I don't know. I mean, I mean, it may, it may be appropriate to bring in the engineers and if they'd like to contribute then. But But But effectively, it's the concern is we acknowledge the property is not on the direct route. But there is the concern about whether it's, it's it's safe in terms of that movement and concerns about ground condition. And whether whether that's feasible,

1:12:30

I think it'd be there have been quite strong representations by relatives of the owner for this property. So mindful of those. And it's unfortunate, they're not able to be with us today. But I think we would like to get a little bit into the detail of the applicants considerations here. And just, I can imagine that there are different construction options that may, some of which may be able to reduce the settlements and more taken also understand the rage and the certainties that need to be dealt with at the moment. So I think it'd be quite good just to burrow into the detail of the the type of temporary works, the process of putting more detail on the likely movements, and how that will relate to discussions with the parties holding those interests. So it'd be good to just continue that discussion a little bit more. I think we are quite anxious to understand whether there is a sensible way forward, which might lead to the applicant being sort of the the the affected party, the affected person being able to stay in that property for them to understand the implications of that.

1:14:05

So given that sort of Vicki fell on behalf of national highways, and given given that it is quite some quite technical, I do wonder whether whether we do respond with a report. The other The other difficulty is that we do really need to have that structural report on the property itself. And we have been requesting that and we'll continue Yes, yes, we've been asking for access for that.

1:14:39

So access is needed to the property to establish the form of construction and the condition.

1:14:44

Yes, yes. Effectively, you know, to check on the property is actually sound because again, obviously, if the property is not sound, then small ground movements could could have obviously disastrous consequences.

1:15:00

Looking understood? Yes, if a technical report could be produced on that, that'd be helpful. And if, if the process could be mapped out in terms of the different steps and timescales for those steps going forwards, that will be helpful.

1:15:18

Thank you. So I've made I've made a note of that. Sure. Would you like to move on to the the other two properties? So the other two properties of 13 and 15? Old Hall lane? Where are we

1:15:33

moved to the right. Move to the right is on the go. Just zoom in a little bit tonight? Yep.

1:15:44

Yes. So. So in relation to both of those properties. They're subject to two active blight cases. And offers have been made. And we're advancing discussions to acquire those properties. So, so effectively, the owners of those properties have not are willing to sell. Is that number 13? Number 15, and 13 and 15? Correct. So it's only 21 A old road that have actually made that request to stay in the property. I think there's also a couple of properties that are subject to rights rather than full acquisition. Term myself which properties they are.

1:16:29

Yes, so I think it's Marawi four lanes. So there's 32 and 34, four lanes. So they're, they're temporary acquisitions, so their rights. And I think that just check what with what the edge two and 34. So it's a temporary access to the rear of the properties for access to construct the retaining wall on the approach to row cross road over bridge, work number 32. And noise attenuation fencing works number 66. And I think that's a little revenue or two

1:17:09

is in the technical report that's produced. And I wonder if there is any facility to nudge the alignment of the carriageway to the south at all. There are pinch points, but just just to considerations past that technical report. So if we're able to work your way from 21, a at all, you're still we're still within the

redline boundary, of course, but that's an easier thing to save them to do. I suspect that if that could be included in the technical report, that will be helpful. And I take the point about 13 and 15. Thank you. That's that's helpful clarification.

1:18:02

Sir, in relation to all the other residential properties shown as say, national highways, has acquired those unknowns and owns those.

1:18:12

Okay. Can you update on the engagement with? I think this is probably a question but can you update on the engagement with 21 a old road and how active that engagement has been? Please

1:18:30

separate bear with me when I was taking structions I don't I don't believe there was an update on the on the last position statement, but well bear with me.

1:18:58

So, I can report that we have sent a further letter. Obviously, Mrs. Bromley has made representations at the early hearing. Just to reaffirm that we we do want to work with with Mrs. Bromley in terms of the structural survey that we do need to undertake to understand whether the property can be retained. And I am instructed that they they are effectively we need to understand the foundation depths, for example. So it's not just an an inspection, it's very it is very invasive. So I think, you know, hence hence why I think this has been the sort of reluctance to to undertake that work. But again, we all rather to give permission for that work. But again, in a technical report will will explain all that. Thank you.

1:19:54

Thank you. That's a helpful way forward on that one thinking And I think that deals with five, b, and c. So if we can move on to item six crown interests, so we have interesting position sheet that the applicant is looking at. So, and for us the question of whether the plots relevant plots should be considered Crown land or not, because that obviously brings in certain requirements into the act. So, could you I think the deadline to the outcome was attempting to contact the legal representative of Crown Estate for these matters. Has there been any progress with that, please?

1:20:51

Vicki Fowler on behalf of the applicant. And so yes, I can confirm that there has been an update. So a letter has been received from Burgess salmon. And that letter was dated the 17th of January 2022. I'm not aware that that letter is before the examination and we'll ensure that that letter was included in our written summary of the the hearing, effectively that confirms that the land, which is subject to street does not form part of the Crown Estate on the basis it's not Crown land under the 2008 Act. And so I believe that's consistent with the representations made by Berta salmon on other GCOS what is said in that letter is that where property property is subject to streets to the Crown common law, it falls by longstanding convention to be to be dealt with by the Crown estates. The Crown Estate would not propose to take any action, which might be construed as an act of management possession or ownership in relation to sit such property. Because to do so would incur upon it liabilities with which the

property is or may be coming cumbered. And, and quite often the fact that these companies have been dissolved, there may be liabilities around those properties. So, effectively what birders salmon is saying is, effectively, it's just a form of, you know, effectively it's it's a form of cuase I ownership, so the property can be dealt with if somebody wants to treat with the property, but it's not Crown land in the in the true sense in that the Crown Estate you know, would do not manage, possess or own the property. And therefore, the property can not all the properties in question cannot be Crown land as part of the crown estates for the purposes of the Planning Act 2008. And, and Burgess salmon say nor do the Crown Estate commissioners have remit under the 2000 Act to consent to the acquisition of any interest in such land within the DCO. And neither Burgess Salman nor the applicant is aware of any reason why the DCO cannot be granted over land that is subject to a street.

1:23:14

Okay, so they do specifically reference the relevant parts of the act. Yes, they do, sir. Okay, so thank you. So be helpful to have that letter will be helpful to have the applicants analysis of that letter and how that affects the considerations for Granlund for the ACT, and actually be helpful to you. So there was some President another DCRs for similar matters that would be helpful to have those references and possible is that correct?

1:23:47

Yes. Yes, there is. And the particular one is the eignet 19 test or structural improvement scheme. The Secretary state's decision letter is dated 12th, September 2018. And the position regarding a seat was accepted by the examing authority in the sector and the Secretary of State so yes, that's the 19 testis junction improvement scheme.

1:24:12

Thank you. That's helpful. So look forward to receiving that material. Thank you very much. Thank you. So I think we don't need to cover be will will will reflect on that additional submission that we've just been through. Let's look at open space and replacement land. A technical point that the act so the Planning Act 2008 requires recording in accordance with section 132 to be could the applicant comment on that point, please

1:24:59

pick up On behalf of the applicant? Yes. Um, so section 132 Two of Planning Act states that there's an order of granting federal consent is subject to special parliamentary procedure, as you say, to the extent that the order authorises the compulsory acquisition of a rights over land to which this Section applies by the creation of new rights over land, unless a the Secretary of State is satisfied that one of the subsections, three to five apply. And that fact is recorded in the order. So the preamble doesn't currently include the necessary wording. And we'll we'll update the DCO effectively to allow that to provide for that wording assuming that, that your cells in the Secretary State are satisfied and will incorporate that the next update of the statement of reasons and the draft DCO.

1:25:52

Thank you. That's helpful thank you. Item F six open space plots. And again, this is a question of whether around special parliamentary procedure.

1:26:17

So this follows on from written questions and consideration of rights issues, which which are mentioned in the act as well. So could the African set out the consideration given to the right of the current owners for those six blocks, these

1:26:41

Viki Fowler on behalf of the applicant served in terms in terms of the rights of the current owners. So effectively, the the six plots a lot largely highway verge or open space or joining the highway and are owned by national highways and or team side effectively, they are reference a special category land as you or I would walk across a local highway and and walk on walk onto the grass effect. So effectively, we're recording those as as open space.

1:27:21

So effective as I say it is it is actually national highways and Tameside rather than rather than pride, private ownership or any different ownership. So we haven't had regard per se but but effectively we are we are dealing with highway verge.

1:27:39

Thank you understood, thank you, Can we can we move on to to G so part of the applicant's rationale for not providing replacement land is that that land would return to open space. There is given the limits of deviation horizontally which I think are five metres for the for the carriageway is that taken into account the deviation with that land? If there was a worst case for the limited deviation would that land still be returned to open space?

1:28:28

Vicki fell on behalf of the applicant. Thank you so so so I think taking the plots in turn. So plot plot to six. So that's the verge on the east side of row cross road that's in the ownership of Tameside plot three three A is open space and woodland on the northeast of road cross road in the ownership of Tameside and plot 330 which is open space and paved area in the junction of old row old row and row cross road again owned by Tameside. So those three plots comprise land that will abuts will become the top of the Mottram underpass and will be returned to open space. So effectively the the new amenity green space on those areas. So certainly certainly, for example, the the the the the verge I think it's plot two sixes is a very thin, thin sliver.

1:29:30

So even if the limits of deviation were applied to the worst effect would that land still be returned to open space?

1:29:43

Yes, because effectively the the underpass? Not really I don't believe it could actually move the full five metres but effectively that land will be on top of the on top of the underpass.

1:29:57

Thank you. I think I understand who they helped We'll just to have that set out and maybe even with a little sketch or something, just to explain that. Okay, I think I'm, it's, I'm seeing a ray of light because it's on top of the underpass. So it doesn't quite relate directly to the limit of deviation. So, but that's my understanding, it'll be helpful to have that set out. If possible, please, we just need to be satisfied that there's no need for replacement land because nothing is being offered at them and

1:30:30

certainly set and then in terms of the other three plots, so that's plot eight, slash two eight slash three and eight slash four. So they comprise highway verged, verge owned by national highways and Tameside at the Hyde road Market Street junction. So where the Lowry statute is, and they're included remove any third party rights that may have accrued, this land is included in connection with de trunking works and junction improvements. The extent of those works is limited and constrained to the junction. And so again, the reality is that those plots will remain as open space. In the event that these there is any widening, widening or any area of that land would not be returned. There is of course, the exception, where land is required for the widening of existing highway. So upside submit said that they would come into VAT exception without the need for replacement land.

1:31:36

Okay, thank you. If that could be getting clarified in 19. That'll be that'll be helpful. Thank you. Let's move on to common land TeamSite metropolitan Metropolitan Borough Council in its representation deadline to I think I recall that we asked a general question about any concerns about common land, whether it's still being identified by the applicant. Team Sites response said that check of common land Common Ground landing needs to be carried out I wonder if Tameside could data's on any checks that's it feels unnecessary that it may have had an opportunity to carry out already Tameside please.

1:32:26

Good afternoon, Sir James Felton, solicitor, Tameside Borough Council. And those checks are still ongoing. And we hope to report very shortly as to the outcome of them. Thank you.

1:32:39

Okay, thank you. So appreciate these things can take time. We have a deadline next Wednesday, the 16th. And then there's a deadline on the 23rd. So if it were possible to have an update from you, by one or both of those deadlines, that'd be very helpful. Possible.

1:32:59

Certainly. So I've made a note of those dates, and I will relay them to the officers dealing with the matter and stress the importance to them.

1:33:09

That's helpful. Thank you very much, indeed. Yes. Thank you. Okay, so that takes us through item six. Item seven, then is a general question as to whether there are any other compulsory acquisition or temporary possession matters that anyone present today would like to raise anything else within the scope of this hearing? Leave another moment or two, nobody? Thank you. We'll just run through I was we were hoping to do this at the end of the last hearing to just run through the options, but I'm afraid

technical difficulties, were rather distracting at the time. So we didn't do that we may just try to do our own little Action List of from this morning's hearing. So we will try to get that published, as soon as we can. Hopefully, by the end of the week, if not very early next week. I hope parties are able to keep their own notes. And what we'll do now is just do a quick run through the actions that we've agreed today. So if you would do that, please.

1:34:37

So there's the summary of written or written summary of responses from the applicant. From this hearing to be submitted by deadline for on Wednesday 16th of May 2022. With regard to the operational farm, there's a commitment to submit by the 16th of February a summary of the commercial effects on the farm. And commitment from the African to respond to that the deadline five on the 23rd. With regard to the shedule progress there and the subtitle to add a column of whether or not an objectors objection exists for them the next update the applicant is no apologies for interrupting your flow them as it assists in the time that they this hearing has been ongoing. We've been able to check and there is a column already in there that confirms whether a party is objecting or not. So that's that's covered. Thank you very much.

1:36:17

Thank you Okay. And

1:36:21

the applicant is still seeking to prepare a technical report on 21 I called Life which is awaited the letter relating to the prom lead question is to be included in the applicants next response and a written summary of its implications.

1:37:06

And

1:37:12

Hays undertaken to update the DCO with regard to Alvin spicing the placement end its position.

1:37:31

And finally,

1:37:35

Tim side has undertaken to provide a report on its checks on common land. So either the deadline is on 16th of February or 23rd.

1:37:50

Just to add the technical report for 21 day old road and the movement issues and process for considering the effective person's desire to stake. I think overall that hopefully that summary reminder is helpful. Let's move on. So yes, please.

1:38:24

So just to remind you, the transcript and video recording hearing will be published on our website soon as is practicable after the hearing. And just to ask, is there anything else anyone wishes to raise within the scope of this compulsory acquisition hearing? If you could just raise or to use the raise hand function now

1:38:53

and

1:38:55

the that Sal has just indicated that she'd want to speak so can we hear from you?

1:39:02

Vicki fell on behalf the applicant. So I just want to for the record and just I'm conscious of the transcript and the fact that Mrs. Bomb is not here. But I think we've made reference to 21 a old because it writes I think it's 21 a old road as opposed to 21 a old haul lane. So again, just for the for the record because again, this is probably reading the transcript and yes, thank you

1:39:30

21 A Thank you. Thank you.

1:39:36

Is there anything else anyone else wishes to raise? I've got and

1:39:47

monument

1:39:51

Oh no, that that's not that's gone. So in the absence of any others I believe that we've now covered all the items on the agenda. I can now confirm that this hearing does not need to run into Friday, the 11th of February 2022. And that day is not now required for compulsory acquisition hearing. Number one, we will confirm that on the website as soon as possible. Issue specific hearing will start at 10am Tomorrow. Then the arrangements conference for that starts at 9:30am. Tomorrow morning, thank you for your valuable assistance during this hearing. If you're joining us at this specific hearing to then we look forward to seeing you then. If you're not, then we wish you the very best until we meet again, which we haven't proved in particular in person. This compulsory acquisition hearing is now closed. Thank you. Thank you