

TRANSCRIPT_CAH1_SESSION1_A47A11THI CKTHORN_02032022

00:05

Good morning and welcome. Can I just confirm with a member of the inspectorates case team that participants can see and hear me please? Yes, that's all good. Thanks. Thank you very much. I think Can I also confirm that the live streaming and the recording of the event have started please? Yes, both recording and the live stream are both running now. Excellent. Thank you. It's now 10 o'clock and I would like to welcome you all to this compulsory acquisition hearing relating to the examination of the a 4711 thick Thorn junction improvement scheme. My name is Matthew Shrigley, I am a chartered town planner. I am an inspector employed by the planning Inspectorate. I am also the appointed examining authority for the application, the notice of which can be found on the scheme project page on the national infrastructure planning website. For those people watching the live stream, can I advise you that should I adjourn proceedings this morning, we will have to stop the live stream in order to give us clear recording files. And as a result, you will need to refresh your browser page to see and view the restarting stream if that happens. Before I can consider the items on the agenda. For this hearing. I've got some housekeeping matters to deal with in tandem with those raised in the arrangements conference. parties who have already attended hearings are going to be aware of these points. Nevertheless, I need to cover them just for the avoidance of any doubt. As far as I'm aware, there are no requests made for any special measures or arrangements to enable participation in this hearing. Does anybody have or wish to raise anything to the contrary? If so, please switch your microphone on and let me know. If not, then I'll continue. I'll take that as a no thank you. As I've already mentioned, this event is being both live streamed and recorded. The digital recordings we make are retained and published they form a public record. They can contain personal information to which the general data protection regulations apply the planning Inspectorate practices to retain and publish recordings for a period of five years from the Secretary of State's decision on the development consent order. Consequently, if you participate in today's hearing, it is important that you understand that you will be recorded and therefore you consent to the retention and publication of the digital recording. The planning Inspectorate will only ever ask for information to be placed on the public record that is important and relevant to the decision. It will be only in the rarest of circumstances that we might ask you to provide personal information of a type that most of us would prefer to keep private or confidential. Therefore, to avoid the need to edit the digital recordings, what I would ask is if you try your best not to add information to the public record, that you would wish to be kept private or that is confidential. Finally, can I repeat any request made in the arrangements conference that in order to minimise background noise, can all hearing participants make sure the mobile phones are switched off, and that you stay muted unless you are actually speaking? Given that this is a virtual event, you may also see me look away from my screen or taking notes in that context. And just for the avoidance of doubt, I can assure you that I am listening as we go on to all relevant responses throughout proceedings. If you do need to raise something during the hearing, what I would ask you to do is use the hand raise function in MS teams. And I will loop to bring you up a loop to bring you in rather at an

appropriate time. Can I also remind that parties attending we're not using the chat function in teams. That's not going to be enabled or in use Therefore, please don't try to use that avenue for questions and comments.

05:10

The purpose of today's compulsory acquisition hearing is to allow any effective persons who wish to speak the opportunity to do so. For me to hear their views for them to express the concerns orally, so that I can have a better understanding of any relevant points being addressed prior to the close of the examination, have not sought to allocate any specific timings. However, I do intend to follow the running order of the agenda, which has been published on the project page of the national infrastructure website prior to the hearing. It would aid parties attending to have a copy of that where that is possible. In the unlikely event that the agenda items or the topics cannot all be accommodated today, I do reserve the option to take written submissions or to conduct a further day's hearing by way of extension if I deem it appropriate. I'm not expecting those circumstances to transpire. But those would be the options available to me. If there was a problem in completing the agenda today.

06:31

I will aim to allow hearing discussion to enable refreshment and screen breaks. As a guide, I expect breaks to be around one and a half hour intervals, or when the agenda topic permits break. If good progress is being made, it may negate the need for any gym, but we'll see how we go on and what proves to be practical. As we move forward through the agenda, I'll invite relevant parties to come in at appropriate times in order to make the contributions. If you feel I'm moving on too quickly or you wish to raise a specific point let me know in the manner I've previously described, and I will look to invite you in so you can make your contribution at an appropriate time. You will have seen from the agenda published that the hearing today is going to follow a topic based format. The hearing is a structured discussion which I shall lead based on those topics. I am aware of all the information received to date which informs the examination. Therefore with that in mind, I would ask that all contributions are kept to as to the point and as focused as possible, avoiding unnecessary repetition and reading directly from examination documents. If you do wish to draw my attention to specific documents alongside making your points that would aid all active parties if you could specify the relevant Library Reference Number.

08:26

As is always the case in hearings, if I consider any of the points being raised, or being repeated, or issues are being introduced that are not appropriate to hear during the examination, I do reserve the right to ask you to bring your contributions to a close. The digital recording of the hearing will be placed on the project page of the national infrastructure website as soon as practicable. After the hearing formally closes, it will be beneficial for the record if it each time you speak you could state your name and if you representing someone the name of the organisation or the person you represent. It is the case that if participants wish to seek or defer written clarification or to defer to a written response when I ask a question, or a question is posed in the hearing, that we'll be fine. indicate to me at the time should that situation arise for the official hearing record and that won't be a problem. Please also bear in mind that the only official record of today's proceedings will be the transcript and the digital recording. Tweets blogs and similar communications arising out of this hearing will not be accepted as evidence in

the examination. Before I move to relevant parties who wish to speak? Are there any comments on the general management or the conduct of the hearing at this point? And just throwing it out there?

10:24

I'll take that as a no, thank you very much. Okay, I'd like to now turn to the attendees list I have with me. I've been provided with the case team, by the case team a list of affected persons who have expressed a wish to be heard orally, or through a representative. When indicate to you could you please turn on your camera microphone and introduce yourself confirming your name, who you represent. And if you want to speak in indication of the topic or topics you wish to raise? I have Mr. Charles Birch, representing Big Sky developments listed Mr. Birch? Would you like to introduce yourself?

11:11

Yes, Charles Birch partner from Brown and CO representing Big Sky developments who feel permits, I'll call big sky because it's a mouthful, otherwise?

11:20

Yes, that's fine by me. Yes. And could I just ask for an indication of the broad topics or topic you wish to cover?

11:32

It's a topic that has been discussed in the various deadlines before, but it's to amplify briefly, the use of plot SEVEN, SEVEN C for welfare. And then we're available for discussion later on, if you need any clarification about the loss of the formal playing fields and how that process is proceeding.

11:55

Okay. Understood. Yes. Thank you. Thank you. What I'll do, Mr. Birch will bring you in under the relevant agenda item, which is listed as item number five. I wish to acknowledge that I've been made aware that Mr. John Coates, who is who is the representative of the trustees of the marking toss trust and the trustees of CRM, what residential trust is not available today, and will not be speaking. Having said that, Mr. Coates has referred me to the content of additional submissions as 039 and as zero 40 when dealing with the relevant item listed on the agenda, moreover, I've not been made aware of any replacement person to speak on the two Trust's behalf. Given those circumstances, what I intend to do is switch items by agenda items four and five around so I will hear Mr. Burgess contributions related to item five on the agenda first, following items two and three, and then I'll come back to item four, following dealing with item five and four. It may be then practical to have a short adjournment for a refreshment break afterward after dealing with item five. Turning to the applicants team, Mr. Fry? Do you would you like me to direct questions to you directly? Or who will be speaking? If not,

13:54

so, my name is Jonathan Bower. I'm a solicitor and partner with Womble bond Dickinson and I'll be leading on behalf of the applicant today's hearing submissions, Mr. Fry is is is in attendance but may not be required. Unless there's anything specific he wants to come in on.

14:15

Okay, understood. So I will direct my questions to you. Thank you, sir. Okay, thank you. Okay, having established the parties who are speaking Can I just make one final check for the avoidance of any doubt? Is there anyone I've missed? Who would like the opportunity to speak?

14:51

So Jonathan Bower that there are some colleagues on the call and I'm not I can introduce them to you now or at the appropriate time if if whatever is more convenient to you joined by Mr. Williams, Mr. Stacey, Mr. Bratton and Mr. Owen, but it would only be to the extent that they need to come in on specific agenda items that they will be speaking

15:16

at what I'll do then, Mr. Bower is direct questions to you in the first instance, if you want to bring your colleagues in, please do so at the relevant times. Thank you. Okay, thank you.

15:46

Okay, I've got no one else is listed as speaking, and no one's signalled otherwise. So, I'm going to move forwards to the main topic areas for discussion, as per those issued in the agenda. So I'm looking to start items two and three collectively, if possible, I'd like the applicant to firstly, give an overview of the case made for compulsory acquisition, and temporary possession and then also touch on the non material changes, which have been accepted in the examination thus far. So that will hopefully set the scene before I invite views for Mr. Birch and then come on to the plot specific matters subject to discussion. So yes, Mr. Bower? Over to you.

16:46

Thank you, sir. I'm conscious of your Jonathan Bower of the applicant, I'm conscious of your opening statement about brevity. And also, without reading from the application documents, I do have some limited words to say then based on that guidance, but a lot of it is drawn from the application documents. So if it would help perhaps, if I just signposted you to the relevant documents and their content, but try to keep it as as brief as possible, if that's the your preferred way to proceed?

17:23

Yes, it would be that sound sensible. So thank

17:27

you, Jonathan Bower for the applicant, in addition to, obviously, the Planning Act 2008, and the CA guidance, neither of which have a document library reference. I'll also be touching on the statement of reasons, which is document number as 030 the funding statement AP, P zero to one book of reference, our EP five hyphens 006, draft DCO, our EP 6004 Would you like me to list all of the documents in their references or just conscious that you've probably got them to hand but you may

18:09

I, I can't see them in the library. Reference facility on the webpage. So I mean, I'm happy for you to carry on and flag up the relevant document as we go on. But given the limited number of people in the hearing, you don't need to go through every single document.

18:34

Okay, so, Jonathan, about the applicant. Thank you. So, in terms of the agenda, you're seeking us to briefly outline the case made for compulsory acquisition and temporary possession. And before we then go on to the non material changes. From a Planning Act perspective, section one to two sets out the necessary tests and the decision making must be satisfied that the land is required for the development required to facilitate or is incidental to the development or land is replacement land for which is to be given in exchange, and that there must also be a compelling case in the public interest for the inclusion of those powers. The application included a request for compulsory acquisition powers to be authorised, and the detail of the extent of those interests are set out in the book of reference document our EP six hyphens zeroes oh four. Paragraph eight of the CAA guidance, which I referred to a moment ago sets out that the applicant will also need to demonstrate that the proposed interference with the rights of those with an interest in the land is for a legitimate purpose and that it is necessary and proportionate. The relevant articles of the draft DCO set out where those compulsory acquisition powers are sought, including temporary possession and details as to their inclusion as set out in the explanatory memorandum which is our P six hyphen 005. In terms of compliance with those tests, it's the applicants case that it's seeking to acquire the minimum necessary to construct, operate, maintain and mitigate the scheme and therefore it's proportionate to the schemes objectives. And in the event that less land proves to be required, the applicant would seek to only acquire that part of the land that is required, and in all events will seek to minimise effects on landowners. As part of the detailed design, the work that will be undertaken will seek to reduce the extent of any land take so far as is possible. Land is is required within the boundary of the scheme temporarily for construction activities, such as material storage, management and processing, and temporary utility connections. And those are detailed out detailed in particular on the land plans, where they are coloured in green. Looking more broadly, paragraph 2.2 of the national networks policy statement states that there's a critical need to improve the national networks to address road congestion and crowding on the railways to provide safe Expeditious, and resilient networks that better support social and economic activity and provide a transport wider transport network that is capable of stimulating and supporting economic growth. It goes on to state that improvements may also be required to address the impact of the national networks on quality of life and environmental factors. More detail for that is set out in the case for the scheme and that's document a PP high from one to five in terms of the objectives of the scheme. Paragraph 3.61 of that document the case the scheme sets out what those objectives are, there are six and I'll just touch on them briefly. Aircon supporting economic growth which includes reducing economic sorry reducing congestion related delay improving journey time reliability, safe and reliable network, more free flowing network and improved environment and an accessible and integrated network. And finally, I should say value for money, ensuring that the scheme is affordable and delivers good value for money.

22:14

One point you include sir in the agenda was looking at reasonable alternatives. And what the applicant has sought to do is in determining the extent of the land subject to compulsory acquisition and any temporary possession powers are considered alternatives and modifications of the scheme to seek to minimise the potential land take and following completion of initial assessments. The one option which was considered for further review comprise the free flow link road connecting the a 11 and the a 47 to bypass the existing fix or junction, the option performed well against the scheme objectives and was

considered to be the only feasible solution for further development. And so following feedback on saying obtained during the non statutory consultation back in spring 2017. There was then an amended version of that option, which took on board key concerns raised by the public and looked at seven options to redesign Cantlie Lane South link road connections, eventually settling on the option selected and discussions with landowners sought to then reach agreement to seek to avoid the compulsory acquisition or exercise of powers for temporary possession. And I'm joined sir by Mr. Bratton, from the district, valuer office who is able to answer any specific queries that arise in relation to the applicants attempts to seek to acquire by agreement and provide any update on those negotiations should you wish the applicant is satisfied all the land subject to proposed compulsory acquisition and temporary possession. Powers are necessary to construct operate, maintain and mitigate the scheme and that the land sought is reasonable and proportionate. So having regard overall to whether there's a compelling case, in the public interest for the acquisition of that land, it is both necessary in the public interest for the project to be carried out. And that the private, the public benefit is outweighed by the private loss arising from the acquisition. And so this is all set out in paragraph five of the statement of reasons as zero 30. So I don't propose to read through that, because it's before the examination already. So in summary on on that point, the applicant is firmly of the view that there is a compelling case in the public interest for the compulsory acquisition power sought and satisfied that the conditions set out in Section 1223 of the Planning Act 2008 are met and that there's a compelling case in the public interest for compulsory acquisition. So I appreciate that you indicated that you wish to take it Two and Three, together. Three obviously relates to some changes relating to the scheme. And I can touch on how they relate to compulsory acquisition in a moment. But I, I just wondered whether or not it was worth pausing at this stage to ask whether you had any questions or obviously Mr. Birch had any questions as well that you wanted to? Both wanted to raise?

25:24

Yes. I'm happy to separate the two topics as it were. In terms of the case made for the scheme, you did touch on the alternatives being considered. So can I just clarify

25:45

the current scheme? As an option being brought forward and applied for that, in the applicants view is the option that involves the least long take? Is that Is that correct?

26:06

So Jonathan, Bower for the applicant. Perhaps if I can bring in Mr. Williams, at this stage. from a design perspective. The obviously the land acquisition aspect is just one part of the overall selection of the scheme as to whether or not it included the least amount of land acquisition. Can I ask Mr. Williams, just to respond on that point, please?

26:37

Yes, please. Do.

26:43

you unmute.

26:48

wanting, wanting to, say applica applicant morning, in terms of the the least amount of land take. We're not sure that it's the the lease, but it's it's the the optimum solution. In terms of environmental mitigation, the engineering constraints and the the scheme requirements. So we can take that away in writing, just to confirm that. It is the it's got the least amount of land use, but it's certainly the the optimum use of the land.

27:25

So understood. So the decision of the applicant involves a number of factors. Courage, chance the land take. Understood. I'd like to ask Mr. Birch, whether or not he has any questions on what's been discussed so far? Then if you then

27:52

thank you, thank Thank you, sir. Charles Birch for Big Sky? No, I don't think our client has any intention to try to derail the scheme. I think it's it's an area looking at the plan. It's an area where it's quite difficult to fit in. We've looked at all of the options, and we've some compromises have to be made somewhere. And so we don't particularly wish to question that they're trying to limit impact. And I just quite like them to change the area of impact, which I can come to later on.

28:31

Yes, we'll talk about that later on. I'm sure as we go on to the agenda, but Okay, thank you for that. Mr. Burch. I don't have any specific. Further questions on this first agenda item. I would now keen to move on and just ask the applicant to either make any further comments they wish to on the first item, or indeed move on to the next item on the agenda, which is the non material changes.

29:05

Jonathan bar for the Applicant. Thank you, sir. Aside from just recording the action point that we have agreed to in terms of reverting on the extent of Lantech relative to other options considered. I've got nothing further to raise on agenda item two. So I'll move on to agenda item three.

29:29

Okay, yes, please do.

29:32

Your excuse me, your agenda item masters to briefly highlight and summarise the non material changes insofar as the implications of applying section one to two and 123 apply. So, the changes have already been accepted into the examination and they can be summarised in in in three points. The first has been to reduce the order limits to remove the property into wood road. And so that from a land acquisition perspective, it has the effect of reducing the amount of land take being sawed. It changes field access locations on the Cantley lane, link road. And that's been in done in conjunction with discussions with the landowners who were represented by Mr. Coates, who isn't here today. And changes to the alignment of the A 11, a 47 connector road. But those two latter changes don't have any bearing on any changes to the land acquisition, all of that those two changes fall within the existing boundary of land proposed to be acquired. And in particular, I've already stated that the change the

field access locations, have ones which have been borne out of discussions and an agreement with the with the landowners. And so an adjustment to the scheme has been made following the those positive progress in those negotiations. So the the only impact from a land acquisition perspective, as I say, is to reduce the amount of land take with the property into rows coming out of the order limits for land acquisition.

31:30

That clarifies Thank you. I do have a related question to the issue of non material amendments, which have been accepted in that the applicant indicated a separate consultation with relevant landowners, particularly with respect to flood risk issues, and I'm just seeking confirmation from the applicant as to what the outcome of that consultation exercise was.

32:08

Jonathan bow for the applicant. Can I bring in Mr. Williams, at this stage to provide an update in relation to that query? Please?

32:20

Yes, Mr. Williams?

32:23

Morning. Yes. So we sent out the the targeted consultation on the back of the the non material changes. And we didn't receive any responses from any of the consultations that we send that information to.

32:46

Okay, thanks for confirming that. I've got no further questions on this item. But the applicants team, do you want to address anything further?

33:04

Jonathan Bower for the applicant nothing further to add in response to this agenda item. So thank you.

33:14

Okay, thank you. Okay, I'd like to now move on to discussion involving base guy developments, just getting the relevant part of the agenda. So it was originally Item five, but if we could bring that forwards. I'd like to hear from Mr. Burch if you would like to make any oral submissions on any of the aspects of compulsory acquisition. I'd like to hear those and then we'll have the responses from the applicants team.

34:06

Thank you, Sir Charles Birch for Big Sky. If there's too much background noise, I will just try and ask someone to go and quiet and a few people down to do don't hesitate to tell me. I'm staggered, really. I wasn't expecting this to be quite such a rapid moving meeting because the ones I've been involved with before seem to have taken forever to get to item five. So it's very exciting to be still awake at this stage. I'd like to draw attention to one error. In deadlines six we made I think I was battle weary by then it was

on our EP 6026 Where I refer to flop seven seven D instead of seven, seven C so apologies for that. So I aim to be as brief as possible because many of the points have been made before The applicant appears sympathetic to the problem we've been in discussions and been getting on perfectly well. One of the challenges is that the scheme design, quite whatever that means the scheme denied designed isn't quite fixed until later in the process, which means they don't quite know whether they need to use plots SEVEN, SEVEN C or not. And all they we've been given an assurance that they will minimise the area taken and removed from the area as quickly as possible. It does have fairly serious consequences for the, for the development. I'm not going to dwell on the fact that the presence of the development wouldn't have been as a surprise to the applicant because the development was underway. Before the scheme became advanced. There are a number of phases of the development affected by thick Thawne works. But the main point of concern is seven, seven see where welfare facilities are proposed. There's about 1.7 acres of seven, seven C, which seems to be quite a lot of welfare facilities for a start. And we accept that the they've got a tight area for operation to do a complicated job trying to bring this not tunnel but underpass under the a 47. But it is a plot where at exactly the time they are building, Big Sky are proposing to build houses. It's part of Phase 14, if I remember rightly. And there are two phases there, we've discussed with them whether it's possible to it's going to pull up a plan, we've discussed with them with Big Sky, whether it's possible to rephase and to do another phase first. But they're doing all the work north of candy lane to start with. And then they're going to go south county Lane in mid 2023. And they've got a link road they carry on through to the south east. And they will have plot 16 On the eastern side of lot 14 on the western side. And plot SEVEN, SEVEN C of this scheme affects part of Phase 14 on their development. So there are three houses which are meant to be built on plot SEVEN, SEVEN see between mid 2023 and December and Autumn 2024. And the scheme works are proposed between mid 2023 and December 2024. Now, it's one thing to say only three houses are affected by it, can't you just do something with them later or not bother.

37:56

But actually, there are three or four houses on the other side of the hedge. Good hedge, but then with the three or four house that then they will be affected by the use of the of the site as welfare. And it will affect the installation of access infrastructure and all of that. So the impact of the use of seven, seven see at all, or beyond about, I suppose mid 2024? Is that be a lot easier if they weren't there at all. But anyway, maybe there's a point that they could be on but they need to come off early. And one of the risks there is the delay in the DCA will commencement as well as anything else that might go wrong during the contract period. But the main issue is that it's the final phase of the development, they will have to clear all their site compounds and move off site. And then they've got to come back in somehow probably on some small separately let contract to finish off the infrastructure, build houses and sort of tied to the site up generally. So it's just a real inconvenience. And it's potentially quite an expensive inconvenience. And although we're very conscious that the applicant is applicant would like not to be having to use it. We've got no real satisfaction that it isn't going to be required in the end. And ultimately sort of we we sort of get what we're given don't wait. There is an element which relates and it may be the next point on the agenda. But if you're comfortable, I'll just raise it because then if the applicant responds they can respond on both. There is quite an important services diversion. There's a 132 KV or 2132 KV cables running alongside the acquisition land. I think that is plot seven seven D from memory Clearly, initially that was proposed to be realigned, relocated the works carried out in 770. After the DCO, beginning of the scheme works, there is an intention to try to enable those works to be

done sooner. And although, as I said, before we accept it's a relatively tight area for working, it might just be possible if they really tried to identify somewhere within seven, seven D or elsewhere to put the welfare facilities. I'm not quite sure how well we're totally welfare facilities are very important. There's nowhere else they can go. So it would be nice to know what actions can be taken to try to make them try even harder to move them. And that's about all ready, sir.

40:54

Okay, thank you, Mr. Birch. I've just got a few questions, and then I'll bring the applicants team and just for clarification, do you accept the applicants position that there's not much alternatives for them in terms of the amount and extent of welfare and construction compound facilities that they actually need? You did touch on the the nature of the site and the fact that it's quite a constrained area to operate. engineering works? I mean, do you concede in any way your side that the applicant, there is merit with what the applicant is saying in terms of the there's a lack of alternatives?

41:48

I think there's an enormous amount of alternatives, actually, but not within the red line. So the red line, the red line is an issue for them. If they want to stay within the red line, then it makes their job harder.

42:02

But you do you do acknowledge that the works and related matters are tied to the DCR itself. And that that that sort of is also a constraint on the applicant.

42:20

Yes, we accept that they probably need welfare, and we accept that they need land on which to operate to build the scheme. We're not trying to sort of deny them the ability to do any of the things they need to do. I started to question whether you need 1.7 acres of welfare, if I'm honest, but then again, no one showed me much imagery about quite what this box pushing operation is going to require in the means of in the way of welfare. There's a whole area of open space, which they could use if they're prepared to step outside of the red line.

42:54

But you don't accept that there are clear safety reasons or engineering reasons which are standard in the construction industry for them to to have this these areas. Is that what you're saying? You

43:14

I'm sure I'm sure it's important. In been in this situation for there to be welfare areas, I questioned the amount they need, and I questioned whether they need to be on a piece of land on which three houses are meant to be being built at the same time.

43:33

Okay, understood. The blue aspect I'd like to just touch on is the Big Sky developments are? Am I right in saying that they are a company or an organisation which are owned by the District Council? Yes.

43:54

Correct. So when you said it's a separate company, but it's, it's, it's wholly owned by the council? Yes. Okay.

44:04

So when you referring to other alternatives available, that may be available to the applicant? Are you? Are you thinking along the lines of Annie Council own land?

44:19

Yes, the there is a large area of open space within the development site owned by Big Sky. And it would seem plausible, if the red line had been drawn differently, or they could step outside of the red line to be able to locate the welfare facilities elsewhere. We'd need to understand what their requirements are. And it would have to be suitable. But there's quite a lot of land there that won't be being built on.

44:50

Okay, understood. I'd like to bring in the the applicants team for response on some of the points and issues Mr. Birch raised for me,

45:04

Jonathan Bower for the applicant. It is probably best if from a practical perspective, if I bring in Mr. Williams to talk about the requirement of the need for the welfare facilities and their extent. And also we may need to bring in Mr. Bratton in terms of any discussions that have been had with big sky as to the location of the facilities. But if Mr. Williams is able to just address the point, about extent and need for the welfare facilities first, please.

45:42

Yes, Mr. Williams.

45:47

Thank you, sir. Yeah, we've we've detailed in writing in response to the, to the Big Sky representations, why we need that parcel of land, seven, seven. See, and the different options that we explored before arriving at that, at that point for the welfare facility locations, in response to Mr. birches, comment about alternative areas that could be used outside the red line in the areas of open space, that is, my understanding is that that's, that's a new offering a new development. And it's, it's something that we'll we'll need to discuss further with, with big sky.

46:39

So, in terms of that alternative, you're not ruling that out?

46:46

We we don't know anything about that offer. So we're not we're not rolling it out at this point.

46:54

I understand. So it's new to the table and you'd need to seek clarification on that.

47:02

Yeah, we'll need to assess it from a, you know, a location perspective in terms of, you know, the works that we need to undertake in that area.

47:15

Okay. And the term welfare facility, it's quite wide ranging. Mr. Williams, could you just give an indication of what that would actually cover in reality? So,

47:35

yeah, I mean, is it okay if I bring in my colleague, Kevin Stacey, who's the the construction? Lead?

47:50

Yeah, Mr Stacey, is it

47:54

good monitor Mr. Stacey for the applicant. The welfare facility itself is a provision obviously on the CDM regulations. So we have to provide toilet facilities, welfare facilities, such as you know, first aid areas, areas for relaxation, while during, during the works areas that they can eat within the works that are sanitised. And obviously, areas for doing such aspects of sight inductions for specific works within that within allocated area. So the welfare facilities essentially covers that aspects. It's under CDM regulations, we have to provide those facilities and they have to be within a suitable distance. So we couldn't use a mini bus to go round to one of the other one of the other welfare facilities on site because obviously, if somebody needs the toilet facilities or somewhere to rest or pray, etc, then then we have to provide that within a suitable distance.

48:49

Understood, presumably that would also incorporate any parking requirements for this as well.

48:56

parking requirements would be separate Sir, they will be on the the main compound away from that welfare facility. We will be taking people over to the to the site through either our other works, or other aspects of the site, but we wouldn't facility any parking, aside from machine equipment that needs to stay there such as test file rigs, etc.

49:16

Right. So construction workers would either make their own way to the site or presumably the be dropped off in some way is

49:25

yes, they will be dropped off. We will minibus workers from that for the Maitai compound in the morning. So there'd be no no parking over there apart from the site vehicles required for that area.

49:33

Under certain Could I could I just ask as well, in terms of your own expertise? That in your view, is this the minimum amount needed always in your view? Is it an excessive amount of welfare? Or are you are you saying it's the men the absolutely minimum needed to comply with your construction policies and regulations.

50:03

I click affirm so that we will be used at utilising the absolute minimum requirements possible in terms of welfare on that area. But you know, just to just to consider that the methodology chosen and the actual extent of the works that's going to be undertaken in that area, where you know, there will be whole roads or a whole road through that area for traffic to come on and off a 1447 Non Slip as well. So the area within the redline boundary, although may look fairly large is a very small area considering the amount of extensive work that has to go on through to October 24 within that area, but we will confirm we will put as minimal welfare as required by law.

50:43

In terms of phasing, Mr. Birch mentioned some of the difficulties in relation to the actual phasing of the scheme. Hartzler could ask you, Mr. Stacey, or perhaps if not one of your colleagues? Is there any scope to make an adjustment to the phasing in light of what Mr. Burch is raising? Or, or again, is this the sort of only realistic option for the applicant and it's in the applicants view?

51:15

Yes, sir, not a problem at all. Unfortunately, in the applicants view, this is the only way that we can phase the works, the methodology chosen and the underpass the way that has to be constructed, and the way that it is pushed into position. This is the only way that we can phase two works, we can't complete any of the abutments or excavations on that side of the A 47. until the very last, very last part of the works. We have looked at the phasing. And we constantly look at the phase and to see if there is a way because we would like to get away from that area as soon as we can as well. We don't want to hold up big sky in doing their works as well. And we are constantly looking at our phasing programme. But unfortunately, that is the one aspect that we won't be able to change.

52:03

And what are the specific reasons for that? I mean, would we would it be an SU of literally the continuation of the use of the strategic highway network? Or are there specific highway safety issues? But what what are your specific reasons for the to stick to the phasing.

52:26

So the construction of the box in itself is a 12 to 13 month process. So we have to wait until the boxes is completely constructed. For us to be able to actually then close the network, excavate the required material, you know, to a depth of 10 metres 60 metres wide. It this isn't a small piece of piece of engineering that we're trying to achieve here. So we have to wait until that box is complete. That won't be due until the April of 2020. For that there's there's absolutely no way we can construct or complete the construction of that. underpass until that point, we also have to give quite a bit of notice in terms of the road closure. So the a 47, will be closed for nine days, for 24 hours a day and the push of the box is a 24 hour process as well. We then have to reinstate the SRN, the strategic road network within that

nine days as well so that it can be open for traffic after the push has been complete. And unfortunately, there is no way that we can rephrase those works.

53:33

Okay, understood that clarifies. Mr. Birch, I'd like to bring you back in if you do have any further questions or statements in relation to the responses of the applicant?

53:46

Thank you, Sir Charles Birch for Big Sky. The only point I think I'd raise is that it's not a new suggestion to look outside the red line. The deadline three rep 3024 suggests that we were in discussion about alternative sites, because we discussed altering the red line at that point, or coming out or having an agreement to go outside it. And Mr. Stacey was quite obviously intelligent because a very intelligent man intelligent about his answer to whether they will need the whole of the plot 770. He said they will be using the minimum, but he didn't explain was quite how much welfare facilities are required for the operation. And we're not trying to pick a fight about this. We just like them to be able to be imaginative and find somewhere else to go if possible, because otherwise, it just costs everybody more money. And oh, sorry. Forgive me. Yes. We wouldn't be suggesting any need for mini buses we're talking about is there a site nearby, inside or outside of the red line, which would be appropriate? So we're not transgender? They should be no come from somewhere far, far away, because patently, that's ridiculous. So if there's an opportunity to work with us on this, we can go and have a look. Consider the outline of the site, consider where the drainage lagoon is, and see whether there's an area very, very close to 770, which isn't that much worse. If that's not possible, because outside of the red line, then we'll just have to accept it. But if it is used, or it's used for longer than required, it just makes the whole valuation issue hugely more complicated and expensive. Thank you, sir.

55:34

Okay, thank you. And turning back to the applicants to do you have any further responses?

55:51

Jonathan Bow for the applicant. The discussion just now whilst you've been asking questions surface to Birch, there is an apparent uncertainty as to the location of where this suggested area of land is. And given given that level of uncertainty, I think it would be helpful if the applicant and Mr. Burch were to engage outside of this hearing to have a further discussion. But as Mr. Williams and Mr. Stacy have set out, the sort of parameters on proximity of welfare facilities is an important point as part of the scheme design. And so those parameters would have to be met, should any other sites come forward, but from discussions to date, the applicant is certainly not aware of any suitable alternative sites that would meet those, those criteria. But I think it might benefit from a further discussion between the applicant and Big Sky.

57:10

So in terms of the hearing record, is that a suggested action point of the the applicant?

57:19

Jonathan bow for the applicant? Yes, an action point can be recorded that the applicant will discuss with Big Sky the location of the site that Mr. Birch has identified and will give consideration as to whether or not it meets the criteria? Not Not least of which would also include the need for additional further consent irrespective of whether or not the site is appropriate or not from a proximity points and meeting all of the other requirements for provision of welfare facilities for this scheme that's been applied for.

57:59

Okay. Understood. There are. There have been concerns raised in relation to the practicalities in the applicant removing the welfare sills, facilities as soon as practicable. Now, I am assuming f f in the event, there are no further changes to the scheme and the applicant sticks with its original proposal. I'm seeking confirmation from the applicant as to what steps and measures they would initiate to remove any welfare facilities from the land following completion of the scheme, and any measures that may be available to remove them at an earlier point, if that proves to be feasible during the actual construction phases for could ask the applicants team that

59:13

Jonathan Bower for the applicant I will bring in either or both of Mr. Williams and Mr. Stacey in a moment but in terms of the framework that set out in the draft DCO. There are reinstatement provisions relating to land subject to temporary possession. And that includes to condition and to be agreed with the landowner. And at that point, I just pause and make reference to the requirement that's included within the examining authorities. sheduled changes to the draft DCO a point nine the provision there about the reinstatement of of land does seem to not marry up with the provisions of article 34. In the draft DCO. It talks there, in terms of the examine authorities changes about completely removed from all relevant plots and the land restored to its former condition. Whereas as I say, article 34 provides for the condition of restoration to be agreed with the landowner. But in terms of another more general point, from a value for money perspective, it will always be the applicants case that it would seek to only remain in possession for a short amount of time as is practicable because the compensation claim will would increase were the applicant to be remaining on on the land for longer than it requires. But in terms of the practical aspects of how the possession will be given up. It may be appropriate just to ask Mr. Stacey if he has anything to add, at this point.

1:01:10

Yes, Mr. Stacey.

1:01:14

Hello, Sir Kevin Stacey for the applicant. Yes, we will look to minimise, obviously the time that we are requiring plots and seven C after April 2024, when the box side is complete, and the strategic road network has to be reinstated. That will be a vast amount of the works that are in that area complete. So it will be the intention that if we are able to clear other aspects of the site, all the all the equipment, etc, that's been used for that, to finish off the the work that we have in there to potentially move the welfare within the red line boundary to a more suitable site for ourselves to finish those works, which would then release plot SEVEN, SEVEN C.

1:01:59

And just to be clear as to say C, you would only be able to determine that during the construction phases themselves. So presumably, there'd be some kind of money management mechanism going on for review of these things. If you could just explain that or expand on that. I think we're having some connection difficulties with Mr. Stacey.

1:02:37

Jobs, Jonathan, bad for the applicant. Yes, it looks like Stacey screen has frozen. I don't know if any of the other colleagues because they some are within the same room whether or not they are able to hand over to Mr. Stacey. We may we may have lost all of them because they in the arrangements conference, we Mr. Stacy has now appeared on my staff. I agree.

1:03:06

I have a public apology. So we've lost the internet within the room again. So Mr. Owens is tethering off a different internet connection?

1:03:14

No problem. These things happen. Yeah. So over to Mr. CC. I don't know how much of that you heard Mark from my side. You curse out?

1:03:23

Yeah. So I think I heard up to determine in the welfare requirement will only be able to happen during the construction period, which yes, that's that's when we will understand the requirements that we'll be able to put in place. And you mentioned about the management. So, of course, I will have a being the senior project manager on the scheme, it will be part of my part, my role to manage the welfare and manage that site, specifically. So it will be within within my gift to move the location of the welfare if possible, while still legally and legally binding under CDM.

1:04:00

And presumably, Mr. Stacy, you would have an option of liaising with big sky, the construction management team as well. Is that the case?

1:04:15

Yeah, so as part of our communication strategy, we will be in constant liaison with big slide developments throughout the throughout the phase throughout the construction phasing.

1:04:26

Understood I think we've exhausted the point but I am just conscious that Mr. Birch might want to add anything. If he if he if he wants to.

1:04:47

Wear my others. Well, my friend Thank you, sir. Charles Birch for the for big Skype. No, I don't think so. I think we've we've thoroughly looked at this from every which way and be obliged to be able to look at the Big Sky master plan that the development part of seven, seven, see the extent of the use required,

whether there's sensible alternative, and then discuss how we keep on top of timing so that we can mitigate damage and leave the thing as an organic issue that we deal with the best we can would be absolutely fine.

1:05:30

Okay, thank you, sir. Thank you it is on the agenda as well. There may have been or may not have been any changes in the way the applicant intends to deal with any special category, land when applying the relevant tests. I'm just going to go back to the applicant now and just ask whether or not there are any changes in the status of only land that's currently deemed not to be special category.

1:06:17

Jonathan bow for the applicant? I think there was a that your your question, Is your question there relating to the land where there is a precautionary approach was taken in terms of whether the land is potentially public open space, but it's subject to an application to vary it by Big Sky I think so that might be the the area of land that you're referring to? And if so,

1:06:47

yes, it is it its land that is potentially planned to be public open space, I'll be more specific. So this would involve it's my understanding, it would involve plots, six, nine, a, six, nine, B, six, nine, C 610, a 77877, B, seven, seven, C, seven, seven D and seven, seven e. There is quite a bit of information provided by the applicant on on this legal aspect. But given the amount of construction going on in the area, I just if there are any changes. Those need to be raised.

1:07:39

Jonathan Bower for the applicant. There is, as I understand it, an application being pursued on behalf of Big Sky. And so it may be that Mr. Birch is able to update with any update to the extent that there is any on on the application that they're seeking so as to alter the provision of the location of the provision of that open space land, which hasn't yet been designated.

1:08:08

So in this would be the actual variation of the legal agreement for the housing development.

1:08:15

Yes. Jonathan Bower. Applicant? Yes. And as a related variation to the planning commission as well.

1:08:24

Oh, I see. Yes, Mr. Birch for could ask you what the status is on the planning obligation side and any amendment to the current planning application?

1:08:36

Thank you, sir. Yes, Charles birch for big sky. A section 73 application to vary the planet permission has been made. It is due to be heard on the 6/7 of April. The parish council hasn't objected. And they are collaborating with the big sky. The parish council and the local authority South Norfolk Council are collaborating over the commuted some to say the parish council can provide alternative formal sports

pitches for recreation. We don't We hope there won't be a problem with that. The discussions have been well meaning and positive to date. They're working out the parties are working on a draft due to variation for Section 106. And so this ought to be resolved relatively soon, hopefully.

1:09:36

And the draft deed of variation that's going to be wrapped up with the decision that you suggested was going to be made on the seventh of April. Is that right? Yes. There again,

1:09:47

it'll get dealt with. Yes, exactly. It'll, it'll cement it. And the intention is to move from the decision The resolution grant, if you like, to the deed of variation as soon as possible to try and reduce the time of uncertainty.

1:10:12

Yeah, understood. Mr. Bauer, do you have any further comments on that proposal? Or the variation side of the agreement?

1:10:30

Jonathan bow for the applicant? No, sir. Big Sky are in regular contact with the applicant to update as to where where things stand. I understand the perhaps one of or if not, the only reason that the application needs to go to committee is because of the contract relationship between big sky and the council that Mr. Birch has alluded to earlier in the hearing. So as to necessitate a meeting of members on the planning committee rather than it being something that could be dealt with, by way of delegated authority and it's just a symptom of timing on meeting agendas. That means that it won't be going to committee until early April.

1:11:24

Okay, thank you. I don't have any further questions on this aspect. Are there any other parties who wish to raise anything further? If anybody does want to raise anything further, could do let me know either by using the hundreds function or turning the camera I'll take that as a no thank you. Okay, I've got no further questions in relation to plots. Seven, seven, see, all the general points Mr. Burch has raised. And on that basis, just looking at the time it is just nearly quarter past 11 It might be a good time to have a quick refreshment break. If the applicants team have got any thoughts on that, what I propose to do is just have a 20 minute adjournment and then I'll I'll then loop to deal with item four, on the original agenda after the adjournment.

1:12:53

Jonathan bow for the applicant, sir. Yes, we're we're in your hands as to the timing. Equally, we're happy to press on and and proceed with the other agenda items. But I'm not sure the extent to which you have allocated time for the remaining points, but we seem to be making quite swift progress throughout the agenda. So if you would like to take a comfort break, that's perfectly fine with us.

1:13:18

Yes. Okay. On that basis, we'll take a quick comfort break 15 minutes and reconvene at half past 11
And then we'll deal with the remaining items on the agenda. So on that basis, the hearing is adjourned.
And we'll reconvene at 1130 Thank you