

# TEXT\_CAH2\_A47NorthTud\_03112021

00:08

Good afternoon, everyone. Can somebody just confirm that somebody can see me and hear me just that I know we're all all on and working?

00:16

I confirm that we can see and hear you.

00:19

Brilliant. Thank you very much. And can I just confirm, Mr. Hanson that the recording and the live streaming of this event has now commenced, the

00:27

recording has started, I can see on the external website. And I can see on the external website that the captions are working. Thank you.

00:37

Great, thank you very much. Time is now two o'clock. And it's time for this hearing to begin. So I'd like to formally welcome you to this compulsory acquisition hearing for the application made by highways England, for the A47. North Tuddenham to Easton project. My name is Agent unser, and I'm a charter town planner. I'm employed by the planning Inspectorate. And I've been appointed by the Secretary of State to the examining authority to this application. Next, I'd like to run through just a few housekeeping matters. So please bear with me, for those people who have been here at other hearings that I just need to sort of run through these. So just bear with me for a few moments if you could. Please Can all audible notifications for electronic devices be switched off? And can I also help to help reduce background noise and disturbance? Unless you're speaking, please can have both your microphone and camera turned off. Because this is a virtual hearing, I structured today's session in such a way that any questions or points that you may wish to raise can be done so at the relevant part in the agenda. And when we get to those points, if you want to speak please use the raise hand function, and then were to be invited to speak or speak at the appropriate time. For the purposes of identification and ease of reference, can I ask that at every point in which you do speak, please, can I give you a name and if you're representing an individual or an organisation, refer to them as well, please? Furthermore, the first time use an abbreviation or an acronym again, please can you give its full title just so that people who perhaps haven't often really aren't as familiar with the application, or listening on the audio can be aware of what we're being what's being referred to? And just to remind you that the chat function in teams will not work. So please don't use this to post any questions or make any comments. If you don't manage to raise your question, or make your points at the appropriate time, the agenda, there will be another opportunity under the any other matters item. So please come back to me that if that's the case, there is a digital digital recording being made of the hearing. And this will be made available on the project page of the national infrastructure website. As soon as this hearing is closed. It's important that you know that if you do take part in this hearing, that your comments will be recorded and the digital recording will be published and retained, usually for a period of five years. From the date the

Secretary of State's decision has searched, the planning inspectorate is subject to the general data protection regulations, it's very unlikely that you'll be asked to put sensitive personal information such as email addresses, and economic financial, cultural or health related matters into the public domain. Indeed, I would actively encourage you not to do that. However, if for some reason you feel it is necessary to refer to sensitive information, I would encourage you to speak to the case team in the first instance, we can then explore whether that information we would be better provided in writing, and then it can be redacted before it's published at a later point. Please also bear in mind that the only official recording that proceedings is the digital recording that we placed on the project page of the website, tweets, blogs, and similar communications arising out of this meeting or not be accepted by me as evidence. Just before I move on, does anybody have any particular questions or comments with regards to just those procedural matters? No, that's great. Thank you very much. The purpose of this examination is to examine the information submitted by the applicant interested parties and effective persons. I'd like to reassure you that I am familiar with the documents that have been submitted to the examination. Therefore, when answering any questions, you don't need to repeat at length, something that has already been submitted. If you want to refer to information that has been submitted, it will be helpful to me if you could give me the appropriate pins examination library reference when you do. This is a public examination and therefore, even if you haven't indicated that you wish to speak at this stage, if there is a point that you wish to make, please feel free to indicate at the relevant time by using the raise hand function that you wish to do so. Today's hearing will be a structured discussion which will be led by myself based on the already published agenda. The purpose of the hearing is for me to seek answers to any questions I have to ensure that I have all the information I need in order to make my recommendation to the Secretary of State. The second compulsory acquisition hearing is being held to discharge from My duties and examining authority to affected persons who have requested to be heard. The purpose of this afternoon's hearing is to examine site specific representations read raised by affected persons, and its statutory undertakings and issues and matters in relation to Crown land. The agenda for this hearing is probably from the project page of the website on the 20th of October, and it'd be useful if you have a copy of this to hand. This Gen, however, is only for guidance. And I may add other issues for consideration as we progress. And us but I will seek to allocate sufficient time to each issue to ensure its proper consideration.

05:39

To conclude the hearing as soon as all relevant considerations have been made, and all questions responded to. If the discussions can't be completed and are likely to take longer than anticipated, may be necessary to prioritise matters and refer others to further written questions, or possibly other hearings. It is important that I get the right answers to the questions I'm going to ask. However, I would remind you that the examination process is predominantly a written one. Therefore, he can't answer the questions or require time to get information requested. Rather than given a restrictive or potentially wrong answer, in the interests of the smooth running of the examination, please indicate that you need to respond in writing. And I can defer the question to the next round of written questions or relate to hearing, if needed. Finally, just wanted like to just highlight the key documents that were likely to be referring to in this afternoon's session. And again, in no particular order. First one will be the statement of reasons which is the applicant reference number 4.1, which was submitted deadline one sorry, deadline two, and that's referenced our EP 011. Document 9.7 which is the compulsory acquisition schedule, again submitted a deadline to which is our EP 2015. The book of reference, which is

application reference 4.3 submitted at deadline one, and it references our EP 1007 The land plans which is reference 2.3, again, submitted at deadline one, and the reference for that is the RFP 1002 Excuse me, and then Crown land plans, which is referenced 2.9 which is a pp 012. The special category land plans which is 2.10, which is references a pp 013. And then potentially the draft development consent order, which was submitted at deadline three, which is our EP 3010. So just before I move on to the other items on the agenda, are there any questions at this stage about the procedures side of the hearing for this afternoon?

07:58

Okay, thank you. I'm not seeing anything now. So I'll now move on. What I'd like to do now is take the names and details that people are looking to speak at this hearing. So when I asked if you could state your name, if you do represent somebody if you could explain who that is, please. And if I could start with the applicant, please.

08:17

Good afternoon, sir. My name is Jonathan Bauer. I'm a sister and partner with Womble bond Dickinson I represent the applicant. Like this morning, I've got a number of people who are assisting me, and I can introduce them at the appropriate time if they are needed to be called upon to answer any specific questions.

08:34

Good afternoon, Mr. Bauer. Thank you. I think we'll do what we did this morning. If If and when called upon if your colleagues could make that formal introduction when we're when they speak for the first time. That'd be great. Thank you.

08:44

Thank you, sir.

08:47

Okay, if I could now move on to the parties that are here. If I could start with Miss cotton on behalf of Mr. Manal.

08:59

Good afternoon, sir. Yes, Rebecca clutton of Lb sold instructed as this morning by sandals UK and I'm appearing on behalf of Mr. Anthony mental. As before Mr. Minimal is here with me this afternoon, should you wish to speak to him directly. The general intention is that I'll be making representations on his behalf.

09:25

Thank you very much. Just bear with me a second. The sun is shining in through my window. We've been an odd shape eyes. There we go. That's a bit easier now. Thank you for that. Scott. And if I could go to Mr. Hawker, please.

09:46

afternoon, Sir, my name is Richard Walker. I live in hunkering. I'm not an affected person myself. But I representing Mrs. Hazel Taylor. For Chinese I also have a question if I may, later on regarding a parcel of land in Hong Kong.

10:07

Yes, that's fine. You mentioned that we'll come on to that, because there's a few questions that I have in terms of whether this is the right arena for you to raise those, but perhaps we can, we can come on to that when we when we get to that point on the agenda. Thank you. And if I could now go to Mr. Paul Clark.

10:33

Thank you, sir. My name is Paul Clark. I'm head of planning at Brown and Co. and I represent Neilston of green farm land to the south of the woodland junction. North.

10:51

North, we're going north, Shai. Thank you. Well,

10:55

sorry, sir. His daughter.

10:58

That's fine. Thank you. And I have a Mr. Robert rights.

11:14

Hello, is Alice here? Hi. I'm representing Robert. Right. We're probably he's an interested party as a landowner coming within the boundaries of the DCO we're likely to just be listening this afternoon. We don't think we have any questions. We've had a conversation since morning with several people. But we'd still like to be present today. Although we're unlikely to ask any questions now.

11:42

Okay, well, we've got an item under three where there's an opportunity, so I may well come to you. I can come to you last, if that would help. And then you can afford everybody else and then you can decide whether you wish to add anything else if that would help you.

11:54

Okay, that's great. Thank you.

11:56

Thank you. And then I have a Mr. Charles birch.

12:07

Good afternoon, Sir Charles Burch from Brown and CO representing Han actors or scat, English pronunciation or small the owners of eastern states to the north of the ski.

12:22

Thank you very much. And I also have a Mr. Jonathan Roche as well from Brown and CO as well.

12:31

Of nice Jonathan rush from Brown and CO I am representing James Alston. Park. Arms. Al Alston son, land, brown the thing and also

12:52

okay, you're very quiet, Mr. Rush. Unfortunately, I heard you at the start. And then you disappeared off.

12:59

Sorry. I'll try again. I'll talk closer to the computer. I didn't want to get too close to the camera. And I will be I'm representing James Austin and the Austin family, their combined businesses being the food enterprise Park, Ebony holdings, and Austin farms limited. And I'm also representing al Alston and Sons Ltd, who is same name but separate entity, which is over towards the green lane junction. I anticipate primarily being in the observatory role today. potentially some some more responsive type questions.

13:35

Okay. Thank you very much. Is there anybody else who I've not mentioned in that list, too, is wanting to speak this afternoon.

13:56

Okay, I'm not seeing any hands or anything. So that's, that's great. Thank you for that. Okay, so that concludes item one on the agenda. And what I'd now like to do is move on to item two, which is site specific issues for the applicant and a brief update on on where you are with various bits and pieces that would help me and but just before I come to Mr. Bauer with some specific questions, there are a couple of just points of clarification that I would like to just go through if I could. And this is where I need a bit of support from my case team to hopefully share a couple of documents and I just just help this self. If I could ask my case team to share the compulsory acquisition shedule, which is Doc 9.72015. I see you're searching for a second and I will put it on the screen. Thank you As you're searching Mr Barrett pages five and six that I'm hoping to get displayed.

15:05

Thank you sir

15:14

so yeah, if you could just go to page five please. Mr. Hanson to start with

15:21

is that printed page fives?

15:23

No it's actually page five of the document right because bottom right hand corner small Page five paginated excuse me thank you

15:47

so if it's bit further damage to your Hanson it's actually paginated Page five I think which is page seven on the printed version

16:12

Okay, the next page down if you could get next page up so it's pay as its pays five Mr. Hanson sorry, it's seven of the printed version but actually Page five at the bottom right hand corner. So up two pages if you could, thank you. That's perfect. And it's just a point for my own clarification if I could the bottom two entries there under Anthony Charles may now and Deborah Elizabeth May now we have got land parcels 91 A and 91 C down under both of them as temporary. Mr. Hanson if you could just flip to the next page

17:10

what we then have is 91 A and nine sorry nine one a a nine one C appearing as permanent for the occupiers of Barry hold one two and rosemary cottage so it's just I don't know that was me Miss reading things or whether that's that was an error in terms of where they are. If that makes sense. Mr. Barr,

17:32

Jonathan bow for the applicant. Yes sir, I can see the point that you have made and when you look at the corresponding land plans, they are shown in green which is land to be used temporarily. So I think it must be an error in the shedule so we can update that schedule for the next submission default

17:54

that'd be great if I could leave that with you to to have a look at that and be good. Thank you. So that was one point. And then the other point, again, Mr. Hanson if you could put up lamed plan 14 on the lam plans documents. Brilliant, thank you very much. It's it's quite small, but this relates to parcel 14 oblique six A, which is just on the western side of Tottenham road there is it's a point of clarification more for me there were representations put in by Mr. Ben hooker, David toker, Catherine hooker, and on behalf of Miss Anne Gowling. Now, I think that has gone from red to green in the latest iterations, because that's been dealt with in terms of dealing with those relevant representations that were put in. But I just wanted to clarify, that was the position. But again, Mr. Barrett might be that I can leave that with you to look into that and just clarify that

19:38

told us about the applicants. Yes. So we will look into that and confirm for the next submission

19:43

date. Yeah. That's great. Thank you very much. Thank you. Thank you, Mr. Hanson, merely to share the screen anymore. That's great. Thanks for that.

19:54

So before we continue, there was an action held over from this morning yes, like, like Yeah, covered that one now. Please do. Yes. So it was about where land acquisition was considered as part of the options. And if I can take you sir to, and you may not have it to hand, but it's the case for the scheme, which is document reference a PP. Hyphen 140.

20:22

Just bear with me. Yes, that's

20:34

right. Yeah. In section 2.2 of the case for the scheme, reference there is made when considering alternatives as part of the options, how land requirements were taken into account as part of the options.

20:54

Okay, yeah, that's great. Thank you. I can see that now. Thank you. Thank you, I can cross that off my any other matters for later on this afternoon. And thank you very much.

21:06

Thank you, sir. Excuse me before before we proceed. Also, it would certainly assist the applicant, if we could understand in relation to Mr. Hawker. What is it what the interest is of the party who he's representing Mrs. Hazel Taylor, because we've had the benefit from your case team of sending over the submission this morning, for which Thank you very much. But as we understand it, Mrs. Taylor has no legal interest in the property. We understand that there may have been a recent death in the family, and that she may be potentially a beneficiary. But that information certainly isn't clear from the submission that Mr. Hawker made on Monday evening requesting to be an interested party. So it would certainly assist us in understanding what the position is. And it may also assist the examining authority. But certainly, it's a question which hangs over from having read the the submissions that were sent in this morning.

22:11

That's fine. He was something I was going to pick up. Perhaps we went under number three, but perhaps, Mr. Thinking as you've raised it now, it might be it might be helpful, just to to clarify that position. Mr. Hawker. Are you able to just sort of confirm what the position is?

22:28

Well, I have to say, having had a discussion with Mrs. Taylor, at lunchtime. The the real concern, as as far as I can see, is that the the exact the will from a father as taken some time to sort out her mother died. And that still hasn't been sorted out. But there is no brother died very recently. That is John Leslie. George. There is no doubt in her mind and in her solicitors mind that she will be the owner of the land if not already the owner. And I believe that there is discussions proceeding with the applicant or or is its replicant agent. Do and I imagine this will result in an amendment of the of the names of the owners of this land. This is not a big deal, as far as I'm really here to ensure that I can pass on him relevant information that emerges from this meeting, so that I can pass it to her.

23:53

Okay, that that's helpful, miss. Mr. Barr does that help in any way?

23:58

Thank you that that is helpful. I also understand that Mrs. Taylor has a land agent appointed. So we don't fully understand Mr. hawkers role, but he's explained that he's merely here to pass on information.

24:14

That's yeah, I think that's I think it's helpful just to have clarified that at this point. Thank you, Mr. Walker.

24:25

Okay, thank you for that. So if I could just move on then to item two on the agenda. Having just sort of gone through those sort of minor points and sort of some clarification of those, I think what it would now be helpful if I could just turn to the applicant, and just get you to provide sort of a general overview as well as just about where you are with with discussions with interested parties. But just to sort of caveat that what I'm not looking for is a line by line, sort of run through the shedule. But just a general overview of that position, and any particular items matters that you wish To raise at this stage, as opposed to sort of going through each sort of individual property and in turn, so it's really to give me that that understanding of where you are and highlight any particular issues or areas that you want to highlight.

25:14

Thank you, sir. Jonathan. Bob, for the applicant ID. It's at this point, I'll hand over to Mr. Bratton, who will be able to provide you with the update that you've requested?

25:28

Good afternoon, sir. It's steep Breton, the district, valuer appointed by the applicant to deal with all one's valuation matters. I'll try and keep this pretty simple. Most of the major landowners permanent temporary and REITs have been communicated with plans have been issued. We are instigating negotiations on most of the claimants interests, some further down the line than others. So it's an ongoing process. We have some agreements that are close some heads of terms, some close to heads of terms, and some a little bit further afield. We are continually meeting with the various landowners as issues arise. If you're looking for timescales, it's ongoing and it will continue through this process.

26:22

Thank you very much. Is there an indication of sort of numbers of how many landowners deals and bits and pieces you've gotten?

26:30

A in rough terms, I might my immediate list is 26 Major landowners. There are many other smaller dotted around landowners of which have all been written to to try and clarify their interests and seek their land for you probably noticed on the book of reference, the half road widths that are quite commonplace, and quite a few round the Norfolk location as you can imagine. They're all being tied at

bilateral communication Statway. So the main landowners are being communicated with and I think as we go in this hearing, sir, there'll be some specific questions from specific landowner, which, again, will be dealt with in due course and ongoing negotiations.

27:12

Okay, that's helpful. And then in terms of keeping the examination up to date with the progress of those, how do you how'd you propose that would happen?

27:20

I understand that the schedule will be updated at regular intervals. As soon as we have movement or an agreement that will have to be notified in the shedule. It will be an ongoing process.

27:31

Okay, and just sort of one final appreciate perhaps a crystal ball question. But by the end of the examination, where with a fair wind, would you expect to be?

27:44

\$20,000 question. So I wouldn't like to put a percentage on it. But I, myself and my team are working very hard to get as many agreements as we can in place. With the landowners, in principle majority are in agreement for the scheme. It is a case of numbers and compensation. Generally, the conversations aren't in majority of cases are fairly straightforward from my experience. But there are some major landowner issues which will take more time to solve, sir.

28:12

Okay. Thank you very much. And just overall, do you foresee any other any particular major stumbling blocks that you can see going forward? Or do you feel everything's, I would say, straightforward, that'd be demands, all you got to do. But you know, what I,

28:26

I think, from from from my points, we never know until we actually get into the real nitty gritty that negotiations, the majority of agents have been very forthcoming and are willing to talk. So we are doing all we can to get to a reasonable level of compensation for the affected landowner, sir.

28:47

Okay. Thank you very much. That's, that's very helpful. Now, that's sufficient in terms of the questions that I had and the information that I was wanting to get. So thank you very much for that. In terms of the next element, what I was going to do is potentially sort of see what there any interested parties or affected persons who had any comments on those. But what I'm mindful to do actually is perhaps, rather than perhaps doubling up on on side of things, he's sort of move on to Item three on the agenda, which is the site specific representations, where they'll have been opportunity if you want to sort of make any comments on what you've heard from the applicant there in your submissions. And what I'm thinking of doing is doing this sort of in a particular order. So what I'm suggesting is perhaps the order that I introduced everybody in so I'm thinking if I could hear from from Mr. Manal first then Mr. Hawker then Mr. Clark, Mr. Burch Mr. Russia and finally, Mr. Right and appreciate people may have nothing to

say or, or don't wish to contribute, but if I could sort of work through in that order, I think that would be helpful to me. And so So perhaps if I could go to miss Clinton first on behalf of Mr. Manal.

30:10

So, yes, good afternoon. Again, Rebecca clutton on behalf of Mr. Metal. And so I'm obviously conscious of the of the time that we've got available this afternoon and I will try to proceed as efficiently as possible. But what I do want to do just before I go into a little more detail about some of the outstanding issues, areas of concern arise from compulsory acquisition is just remind you very briefly of the nature of the estate and the proposals for compulsory acquisition that are affecting it. And then also just summarise Mr. Meadows objection on compulsory acquisition grounds to date, and our understanding of where we've reached with the applicant. So I hope you'll bear with me whilst I do that. And in terms of the documents that I'm likely to refer to, today, obviously, you may want to have the land plans, which you've already referred to yourself. And also the applicants written response to the written representations, which is Doc, rep three, zero to two.

31:18

Yeah, that's great. Thank you,

31:20

you will also hear me refer a number of times today to ACM oh three, which is Mr. Mendel's own witness statement, I don't suggest that you need that up or that will need to go through it. But But I am going to refer to it and it may be in your own time, so you'll want to look at some of the references. So starting them with that context, as you'll be aware, sir, and the status immediately to the south of the proposed wood Lane junction. And it includes not only a great tool list of building very Hall, itself together with any listed curtilage structures, but also a landscape and other buildings that are designated by the Treasury on the advice of Natural England for their outstanding historic and scenic interest. And the boundary of that has been identified in appendix one semester manholes statement, which we don't need to go to, but it's read 1046. Now, for the purposes of construction of the junction land within the state is made subjects who articles 2427 M 3435 of the DDC Oh, so that is lamb is proposed to be taken permanently, temporarily, and temporarily subject to the acquisition of rights or the imposition of restrictive covenants. And for reference, don't need to go to it now. But the land that we're talking about is shown on both sheets, eight and principally on page nine, which is a PDF page 16 of the land plans document. But on the analysis has been presented by the applicant to date, the permanent land take from the estate is around three hectares and 7%. And temporary land take is around 12 hectares 27%. That's the applicant suggestion. And as you'll be aware from submissions that have already been made to date, our position in particular is that the numerical analysis significantly under represents the impact that the acquisition will have on the state and shouldn't be used as a guide to it. And I will come back to that point in due course. So that's the context in terms of the objection that's been advanced to date. It will obviously recall that Mr. Minerals objection has been made on the basis that no compelling case has been demonstrated for its acquisition, for two reasons. The first of those being the applicants failure to consider reasonable alternatives to would lay injunction in this location. And that's the overarching alternatives point that I touched on this morning. And, sir, I won't be troubling you particularly about that this afternoon. That's obviously a matter in terms of the detail we've already we're going to come on to tomorrow. And we've touched on the principal this morning. And in

the secondary argument is that the consultant compulsory acquisition and temporary possession of his land would have a range of other unacceptable impacts upon the state, and in particular on the agricultural or business, the farming business, which the applicant in our view has either failed to acknowledge or acknowledged but as yet taken no steps to mitigate. And as I'll draw attention to, during this hearing, and I foreshadowed this morning, does seem to us that that mitigation may well be through the provision of reasonable alternatives to outright compulsory acquisition, other than the shifting or redesign of junction that that forms part of the principal argument. The positions there for that, in those circumstances it's precisely the applicant can't have properly weighed the negatives of those impacts in the balance which undermines its overall case, compulsory acquisition. And obviously further, insofar as alternatives do exist that avoid those impacts. Whether that is alternative design or shifting of location, or lesser rights is just something I'm going to mention in due course, compulsory acquisition can't be justified as a matter of principle we say. So that's the position that that's been adopted today. So in terms then at the state of play between the parties, it's right to say that in relation to that overarching alternatives case, there have been discussions between the parties technical experts in relation to the alternative junction designs that are suggested on behalf of Mr. Metal. And I say respective positions on the merits of those is something we'll come to tomorrow.

35:55

In relation to all other issues raised by Mr. Metal, including the points that I'm going to talk about this afternoon, I'm afraid to report that there has been no material engagement with Mr. Metal. We have had contact from the district valuer, seeking to discuss land acquisition, but that has very much been about numbers, which is obviously not a stage that we're interested in, and what they haven't been, with the exception of some correspondence relating to surface water drainage and a topographical survey, which I'll come back to, there have been no letters, emails or meetings from the applicants project team, either seeking to find out any more about the issues that have been identified, or looking to discuss deliverables secure solutions to any of those issues, insofar as they might exist. Our knowledge of the applicant's position on those therefore, is derived principally from its response to written representations document, which deals in less than five pages with hundreds of pages of submissions from Mr. Mendel. Now, in that context, I think it's worth touching on the contents of the compulsory acquisition schedule. Reference to which I'd forgotten about which I know you have up. So the updated version of that was published by the inspector for last week. And the entry relating to Mr. Metal, as we've already seen this morning is on page six of that document, as in the paginated, rather than the PDF. Now, you may recall, sir, the status of the agreement had previously been recorded as heads of terms being in progress, and that Mr. Manowar complained about that, on the basis that it is inaccurate. And you'll see therefore, that the comment in column H status of agreement has now been updated in the latest version, to say engaging with representatives of the landowner in a process to resolve issues ahead of negotiation defining heads of terms. And so you'll appreciate from what I've said that, in our view, the math is something of an overstatement of the position to date. Now, I would qualify that by saying that on Monday of this week, Mr. Menon received an invitation to a meeting to discuss solutions to some of those outstanding issues that I'm going to touch on today, in advance of this hearing. And given the shortness of time it hasn't been possible to meet. Well, yesterday would have been the day that a meeting has now been arranged for later today. And naturally, we are hopeful that some of the solutions proposed in that meeting, if they are proposed will be satisfactory. But that is yet as yet unknown. And to the extent that they're not there for their remain or that they remain outstanding issues

between us in terms of these detail points, we will obviously need to ask you to deal with them. And so it seems to me, sir, that it would still be useful and important for us to just go through some of those today. So that you have got a flavour of where we actually are on these issues.

39:21

I thought that that would be helpful given the uncertainty with what may come out of that meeting. That will be helpful, I think, at this stage. Yes. And then I'm guessing following that meeting, there would be further updates provided in terms of updating that document that you can bat directed me to, to, to take me through where they get to.

39:40

Yes. Well, I mean, just on that survey, the intention between the parties is that the the actual substantive content of this afternoon's meeting being first meeting will be without prejudice. And so obviously, what comes out of that can only be disclosed to the extent that the parties agree to it, although of course, it may be that follow From that the applicant sees fit to make open, you know, set out an open position. But yes, one way or the other, I anticipate that we'll look to update you so that so that you understand what is happening from both parties perspectives.

40:17

Okay. One of the things we discussed right at the start, I think it may be in the preliminary meeting was the potential for hits a certain standard of common ground between the parties now, my memory doesn't quite certainly weren't enough to know whether that was just related to environmental matters and issues around that, or whether it would cover issues such as this as well. Yeah,

40:40

I mean, so that it so that, you know, yes, that was mooted, a draft has been supplied to us, I think it was a little over a week ago. And we haven't with the preparation fees here and yet been able to return that. But it is something that I would hope based on the draft that we've got at the moment that we can actually make it a more useful document for you. But it is both parties intention for you to to have that. So it may be that that process is the appropriate means by which to update but but the more we can discuss that between helpful, okay, thank you. Good. So, against that background, then. So what I will do now is turn to flag some of the principal outstanding issues. And what I'll do is look at what the applicant has said about them in its response to the written representations, and give an indication at this stage as to how we say you should treat them, treat them. If you in the event that no negotiated solution is achieved. A few caveats to this, it is impossible, of course, to do justice to all the points that Mr. Men are made. And it's very comprehensive submission in the time available. And all of this is everything that I say the comments that I make in relation to each of these outstanding issues and their potential for resolution are all entirely without prejudice to our principal arguments in relation to alternatives, noting that our position is that all of these impacts can be avoided through the alternative proposals that we've suggested. So with those caveats and topics that I'm going to focus on our access impacts on the farming enterprise drainage, and then I'll touch briefly on the forestry Christmas tree business at the end. So So starting with access, then the access issues arise in three ways. Firstly, we have the permanent cutting off of all legal access to the state and its buildings west of varies Lane through the freehold acquisition proposal for three hold acquisition of each entrance we have the

permanent loss of HGV Access to the state through both the compulsory acquisition of and stopping up of the A 47 North access which is called the old back drive. And then also the possible preclusion of servicing by fire engines which I'll deal with those two points together when I come to it. Era relation to cutting off all legal access through the permanent acquisition of the access points the position as Matt and so would it would it be helpful for you to look at the land plan now Are you familiar with work the access areas would that be helpful for me just to point that out to you

43:38

if it helps I have the lung plan in front of me so that's

43:42

bring mine up so that I can bear with me to two moments so I've got many documents open as you had

43:59

I'm just going to open it up boss into closed it Forgive me. So if you're on page 16 of the land plans.

44:10

Yes I am. Yeah.

44:13

You will see perhaps if we start on on berries lane. Yeah. So on there is lane. If we move south from where the proposed wood Lane junction will be. And you'll see right at the bottom, you'll see running westward from the bottom of various lane the river Todd, can you see that?

44:35

Yes, yeah. So

44:36

moving north, up. What is I'm going to call this the nine one B extension. It's the sort of leg of the pink land nine one B that runs along the west side of barriers lane. And if you move northwards up until the point, close to the label for plot nine to D, you'll see what is the called the main drive into the front drive into very, very, very Hall. Do you see that? I do. I've got back. Yeah. Yeah. Moving further north, then along various lane, you'll then see a drive that is called the new backdrop drive. You see the entrance to that they're hot. Yeah. So both those rum westwards you then if you then go north, and then west along the existing 847. And you'll see an entrance point that's quite close to, to the nine, three see, to see that. That's what I'm going to refer to as the old back drive.

45:45

Okay, thank you. Yeah,

45:46

you will also hear reference and I'm forgive me because I've now forgotten. The night is right behind. Yep. So so if you come back down, sir, to the the main drive so that the principal entrance to to the very Hall. If you travel westwards along that, in reality that brings you out to an area of parking that sits in

front of Barry Hall. And you'll see Barry hall there, and you'll see that you can see a little sort of terrorist down into the meadow area just beneath it, you'll see some buildings to the left of it. Behind those buildings, you'll see a narrow sort of road shaped thing. Can you see that kind

46:39

of go? I know you are. Yeah, yep. So that's

46:41

referred to as the front drive. And that's something that I'll come to probably later as well. Obviously, the access to that is taken from the from the main drive, but it's that does come in some of our discussions later. So just Kokorin, use a good okay, well, then. So what you'll see on those land plans, and we've seen from the pink land covering all the accesses, is that the applicant is seeking powers to acquire the freehold interest in every single vehicular access to the estate and buildings Western very lay various lane. And in each instance, the access is included within plot nine one B, which is a set of a pink line that accommodates the southern dumbbell, and runs along the existing a 47. Both North runs along the line of existing a 47 to the north, and down the west side of various lane, all the way to the Riveter, I've been what I've termed the nine one B extension. Now given that the justification in appendix A to the statement of reasons indicated the reasons that the large plot as a whole was required, it wasn't at that time possible to divine the reasons for acquisition of the nine one B extension. Now in its response to the written representations, which it might be worth having up. The applicant has said, He's dealt with page five, they've dealt with this point. So it's page eight of the page eight of the PDF and five of the actual document. Okay, thank you. So you'll see there, lots of access to the state. And then specific concern compulsory acquisition of perk would authorise permanent acquisition of every access. And in its response on the right hand side, what the applicant has, in fact said is that it requires the right to construct a permanent drainage system across the private driveways connecting to variable to various lane, and then it would sell it would ensure that the owner and occupiers of the very whole state retain the right to access or egress. And then it goes on and says, to refer to article 17 of the DDC Oh, it says that, well, there's only power to close the private accesses listed in shedule. Four, of which only the old back drive is included within those. Just dealing with that latter point first. It seems to us that the author of this response misunderstands the effect of permanently acquiring the freehold land over which access is taken. All the powers that they're seeking user I hope will appreciate that if the applicant takes the freehold to any of any Mr. Metals land, he will have no legal right to enter onto that land. And access is therefore precluded as a matter of law. And the fact that it's not included but the accesses aren't included within the provisions stopping a private accesses is irrelevant. More importantly, though, and looking at said at the substance of what they said about rights, is what the applicant appears to be saying is that it doesn't in fact need to take the freehold to the access areas. It seems as though it's saying that temporary possession for construction, with the permanent acquisition of permanent rights for the retention and maintenance of any apparatus constructed would be sufficient. And so if that's the case, the accesses to the state should not be included within the pink land at all, they should be excluded from that, and instead included within the blue land. And obviously, so I'm going to come on to make some points about drainage, it may be that the whole of that nine one B extension, as I've termed it can be excluded, I'll come back to that point in due course. So so based on its response, that is a matter that we are hopeful that the applicant will accept. And however it's or in the absence of the applicant accepting that voluntarily, we will be inviting you without prejudice always to our other

arguments to require that the accesses to the estate from various Lane are excluded from the pink land, and that only rights are required, any the rights required are taken over them, there's absolutely no reason it seems to us why they should be entitled to acquire the land, rather than rights in land permanently on the basis that they've set out.

51:38

So that does the permanent acquisition, we should note that all of the accesses are also subject to temporary possession to a greater extent along their lands. And that could equally prevent access to the estate for the duration of construction, which will also be unacceptable. And the applicants response in that regard is that they're working with us to clarify the concerns about access and to explore means of maintaining it. And as I've indicated that that isn't in our view, and accurate accounts of actions to date, but what we will be looking for in that respect, what we would expect you to be satisfied of is a binding commitment from the applicant to ensure the action or access to the status maintained at all times and say nothing today has been forthcoming on that front. There is in relation to access a point that's not mentioned in our representations, but it's one we subsequently identified not I'm flagging it now only so that the applicant has an opportunity to note it prior to our meeting today, which is we've now also noted that if you look on the plot, near Marywood, that's the Eastern east of various lane. You'll recall that the applicant is proposing to take freehold freehold acquisition as pink land along the footpath three. And what it's occurred to us now is that that's also severing access that currently exists between the North and South parts of that particular plot. So the north and south of Mary wood house, but I flagged that now only for the applicants consideration. So that that's access in general terms, and turning to the issue with permanent HGV Access to these days. And as I said, since he V's also include fire engines or their very large vehicles, I'm going to deal with both of those points together. And this is, in our view, less straightforward than the previous issue. You'll be aware, sir, the evidence before you is that the old back drive, that's the one running off the existing a 47 is the only access capable of accommodating HGV movements, owing to pinch points that exist on the new back drive. That's the northern most access of berries lane, and also the front drive, which is the one that goes around the back of the house. And so this is something that you'll be able to see when you do your accompanied site inspection in a few weeks time. But in particular, the new backdrop live, there's a very sharp bend at the junction with the old backdrop of which we'll be able to see on the land plans. And there's also constraints that exist in that location in terms of proximity to the south to both the crinkle crank or wall which is a structure within the curtilage of realistic building, which we think would qualify as part of the listing of the listing. There's a lot on the northern side there's a very large oak tree that exists. So on the opposite corner to the corner of the crinkle wall. And between the crinkle wall and the access track there there's also an ancient hedge row And then on the west, you've got garden of the cottage. So there's a real constraint there. And then in relation to the front drive, that's the one that runs around the back of the hall that is constrained, obviously, by the wall of the listed house itself, the hall and out buildings that continue on from that, and then a retaining wall that exists on the other side, that really is a very narrow route down there. Now HDV access is absolutely necessary, both for servicing the residential properties in terms of refuse collection, and, more importantly, or as importantly for servicing both the agricultural enterprise and forestry businesses. And that's a matter that you will have seen already explained in a in ACM, oh three Mr. Mendel's witness statements, in particular, at 166177 and 181. It's not an issue that affected the previous iteration of the scheme prior to submission, which retained a northern access to a local road system, the stopping up without substitution of the old

backdrop was introduced in in the December 2020 changes. Now, again, in its response to the written representations, what the applicant says

56:26

is, and this is in the, again, in the sort of bit below where we looked for the permanent acquisition, what the applicant says is that it's working with representatives of the state to clarify concerns regarding impacts on vehicular access to the estate, and and if required, explore means to maintain access by various Lane etc. Now, and I noticed the first instance that does seem to acknowledge rightly, we would say that closure of HD closure to HGVs is a problem that requires resolution. And I said that's that's not really surprising, because it cannot be acceptable in the public interest to leave residential and business premises, for example, without access to the emergency services, if it showed that a fire engine couldn't navigate that junction. We do however, say that it's inaccurate suggest that there's mutual working in this regard. At the moment, the applicant has had a topographical survey are commissioned and undertaken, we haven't yet been we've requested but haven't yet been provided with the results of that. I think I understand from the applicant, that it's still outstanding. But beyond that, we're not aware of any mutual working of the kind that appears to be been suggested. And again, sir, before we say before you are prepared to consent any compulsory acquisition of the relevant land, we would expect you to require a secured commitment to the maintenance of permanent HGV Access to these states. What I would flag though, is that on present proposals and noting the pinch points that I've already identified for you, we are struggling to see how it would be possible to secure that it may also fall to the environmental impacts of any such proposal and involving the use of the existing accesses has to be assessed. So I just flagged that as a potential further issue. And so ultimately, given the profound impacts, we would say, of the loss of HDV access, both to the forestry and farming businesses and to the residences in terms of refuse. If that can't be provided, we say that compulsory acquisition shouldn't be authorised, that's particularly so in our view, obviously, given the availability of alternatives. So so that that deals with accesses and I'd like to move then on to impacts on the farming enterprise, which I think take the bulk of the kind of time that I need to spend on the online memory remaining representations. And there are obviously a range of issues that are associated with both temporary and permanent plant take upon the farming enterprise. And so what I'm going to do is just touch on the principal issues. There is though, an important point of context, again, for the consideration of these issues from your perspective, sir. Because it may be said by the applicant, and I know this isn't a line that they take in their representation state. But it may be said in due course by the applicant, that the continuation of the farming business is merely a private interest matter, ultimately to be dealt with by compensation. And so that in this particular instance is not true. And there are two reasons for that. First and foremost, and I know that we're going to deal with detail with cultural heritage tomorrow, so I just like this point for, for context for then First and foremost, so you you need to understand that the mere existence of a small scale sustainable farming enterprise is a key feature of the Heritage interest in these states pursuant to its designation by the Treasury. And in particular, the continuation of such an enterprise is identified as a key management objective for the state within the heritage management plan to which the estate is subject. Now, as I say, the adequacy of the applicants, treatment of that heritage interest is a matter for tomorrow. But for now, I would say it's critical to understand that because of that integral nature of the farming enterprise to that heritage interest, the risk of the extinguishment of that business is not only a matter that there's on private REITs, as in the normal circumstance, but it does, as it has wider implications for the heritage interest

associated with the property, there is also a public interest aspect to it. So I'm just going to identify that point. Now. It goes to the very qualities, we would say of the state that the designation is seeking to maintain. So it has that dual public and private interest.

1:01:25

And it follows that for you, so when you ultimately come to weigh the benefits of proposals of the proposals against any harms that are identified, is not only public versus private interests in this case, that you will need to consider but public versus private interests and alternative different public interest considerations. The second reason, sir, for which I say it's not just any old business here is the rarity of a sustainable small scale farming enterprise for beef in this of this type in the East Anglia region, and that again, so it was a matter that was touched on in Mr. Metals, witness statements. And as far as we're aware, he hasn't been challenged on that. Final point of context, then before I come on to the, the actual meat of the issues is the importance of the holistic manner in which the estate operates. And again, that's a matter that's been the subject of evidence in Mr. Metals witness statement. But in short, all parts of the estate, the meadows, the fields, the cattle buildings, the silage clamp, the water supply, they're all essential to the sustainability of farming here. And the significance of that, for your purposes, is that it's not enough to mitigate effects on one element, if harm persists in respect of other elements, and is still likely to threaten the overall viability of the enterprise and the way that Mr. manner was described. And so what we do need is a holistic response to the issues that are facing this state. So having set out that background, the key issues for us and where we are with those or where we are not with those, what I'm going to outline now, so dealing first, then so with the reservoir, you'll be aware that there's a private reservoir that serves the state, and which is located within plot nine will be, I think it's just to the west of the old back drive, you can't see it on the plan, that you'll be able again, to see that on your ASI in a few weeks. And that is subject to permanent acquisition. Without that reservoir, so there will be no freshwater supply to the dairy buildings and to the pasture. This is one of the few impacts on the farming business that was in fact identified by the applicant in its pre application work. And Mr. Men are quoted from that in his own witness statement, where the applicant described the uninterrupted supply as being necessary for the agricultural operations. And notwithstanding that no solution was presented it recognised the potential for severance or of that particular asset. And there has been little, Mr. mental's agent has written in the past and it's one of the letters and email exchanges that's within ACM zero 3.8, which is rep 1053. When Joshua's think of samples, wrote to James Powis former project manager for the applicants, and said, What about the reservoir? Mr. Powell has responded saying that he would come back to Mr. Spink and he never did. Now And what we now have some year and a bit on is a response to the written representations from the applicant, which says, This is at the bottom of page five, that they will continue working with representatives of the estate during the development of the schemes detailed designed to provide the measures to maintain the use of the private reservoir. Two points to make there one, to our mind, there is no continued working in that regard. And so you're going to tired of me saying that, but it's important, I think, for you to understand the true position as we see it. Secondly, it's unclear to us whether the detailed design that's being talked about is progressing now, or post consent. And so if it's the latter, it's respectfully suggested that that is too late, Mr. Mental, and you need to know whether maintenance will be possible, and if not what alternative supplies possible. Otherwise, it seems to us that you will have to proceed on the basis that the farming business will not be able to operate and will be extinguished. And that reflects both the applicants own acknowledgement that it is necessary

1:06:13

to the farming operation. And it's also a matter that again, going back to my points of context will involve the question not only of the impact on private interests, but also the impact on the state's ability to comply with the heritage management plan and maintain its heritage status. So that's the reservoir and then the silage clamp. And so the silage clamp, as you're seen is a piece of kit that's essential for producing silage that replaces grass in the diet of cattle during the winter months. And the loss of that silage clamped together with loss of access will prevent the farmer from keeping cattle in the dairy buildings. Now, this is one where so you can see it on the land plans. And actually, I think it's important for you to understand what little bit I'm talking about for so that you can understand what I'm about to say. So have you got the nine plans up there?

1:07:11

I have Yes. Right.

1:07:12

If we look at page 16, again, yeah. And if you can see close to the old back drive, you'll see that nine three C label. Yeah, so if you just look south of that, there's a sort of lacing shape that sits directly on the boundary of the temporary possession area. Yeah, that is the signage clamp. Okay, thank you. So, as you can see, it is located on the very edge of the temporary possession area and access access to that clamp I should say and again to something you can see on the site, because it is on that Southern, the southern edge of the clamp. And in its response to the written representations, and the applicant has said that it will make sure that access to and use of the both the building for the cattle, the dairy building, and the silage clamp will be maintained during the construction of the scheme. Now, obviously a starting point that is a very positive offer. But it's not secured in any way. You cannot lawfully rely on that statement. And so that officer obviously has to be secured. And obviously access is critical to that too. So you can comment and access but also needs to be secured. However, so given the location, and given that there is an offer on the table to access that lozenge, there's no obvious reason to us why that area of land can't be carved out of the temporary possession plot. If they're able to maintain access to us to throughout for us, they obviously wouldn't be destroying it, the outcome would be destroying it. And there's no reason it seems to us why they would need control over it. And so again, to the extent that we can't reach some voluntary accommodation on this, and that is what we will be asking you, sir, to do to cough that particular area out of that plot. And in relation to the council buildings, as I've just said, the comment that was made in relation to silage and access was also referred to maintaining access to the dairy buildings. And again for that the issue goes back to the proposals for maintaining HGV Access. And one thing we would note how the SIR which you'll obviously need to be satisfied by is that the response makes no reference to the issues raised by the claimants in relation to the suitability of housing livestock in a building that is so proximate to the boundary of a temporary compound and soil storage area and And the suitability of that from an animal husbandry perspective. So again, this is an area where what the applicant, what we would hope that the applicant will look to do, and ought to be doing is seeking to draw back its temporary possession boundary to provide a more appropriate offset to that facility. That leads in nicely then to overall temporary land take. And as I say, stated right at the outset, this is an error, it seems to us where the numeric approach to land sight realise its true impact. And although the temporary possession affects something in the order of a

quarter to a fifth of the estate, overall, it affects, in fact, nearly all of its arable land, and the remaining arable land will not be able to be farmed during the construction period. What it also results in the loss of is an which we haven't seen any reference to within the biodiversity assessments that have been carried out by the applicant is nature areas of nature interest, and in particular, field margins that are managed under the countryside stewardship scheme. And also the nectar. There's a nectar mix area for bees, which is managed under the CCS two, and then also winter birth breeding ground. And again, you can see all these features on your site visit. Yes, the CSS sorry, my acronym was wrong there countryside stewardship scheme, you'll be going to be able to see all those areas on the ASI. And that point, so we'll be one that says obvious significance when you eventually come to consider the alternatives and the shifting of the land to the north. The applicant has indicated again, in its written response to the representation that it's willing to look to minimise the impact of temporary and permanent land take on the applicants, and it seems to this will be an obvious area for it to do so.

1:12:13

One point to note on this, though, is that the applicant has previously stated that the land identified is the minimum required for construction needs. Now, the constraints upon private individual funding this objection means that Mr. Manual has not been able to instruct an expert to verify that we could we can't possibly assemble an expert team of the scale of the applicants. But what I can note is that, in fact, obviously the silage clamp area is within that temporary possession area. And given that the claim the applicants have indicated that this is not actually required, or that they will be able to maintain access to it, meaning that it can't be used for storage, etc, that does suggest that what's been presented is not actually the bare minimum. And I think this is an area where we would hope to see more engagement from the applicant in due course and where I'd hope to be able to report something more positive. So we we're nearly there on these issues, meadow meadow access, I'd like to just turn to now, Mr. Metal raised the point about the implications of the scheme for the use of pasture in his witness statement in particular table two, we don't need to take up now. But the points that he raised included access water supply and the relationship with the availability of the dairy shed. And it's been helpfully suggested that access to the meadows will also be maintained during construction of the scheme. And avoiding therefore the postures degrading. And again, that's a welcome indication, but one that's not yet secured, nor have we understood, can we understand yet how its proposed to secure that. Again, it's also another area where it only works if all the other issues are resolved to.

1:14:19

Finally then on farm impacts before I turn briefly to drainage and the forestry and Christmas tree businesses, permanent landscape for farming. And again, you'll obviously appreciate that Mr. Metal had raised the implications of permanent land take upon in particular the middle field. And in relation to this, and the applicant says this in its written response. As find it, it's on. It's on page five again, and it's the penultimate row of the final column. And what it says there is the applicant is working with representatives Very border state. To explore means to minimise the permanent landscape due to wood Lane junction, and associated drainage and landscaping Western various name that talks about no no noise boundary on that location. Now, this service can be something of a surprise to Mr. Metal. Because as far as we're aware, there haven't been any discussions about minimising permanent land take. However, of course, Mr. Menon is very interested in any proposals that the applicant might have, or be contemplating or exploring. But it does seem to us that he needs to be involved in that discussion.

And I think we would be very interested in no doubt. So you will be very interested to hear what what means it is exploring or any specific proposals it has, at this time. So that that might be something that the applicant wants to pick up on in in this session. So so that's the main farming impacts. And I'm going to turn now to the question of surface water drainage and say I'm, I'm nearly through with the points that I need to raise today, sir. But in terms of drainage, you'll you'll be aware from the applicants response against the written representations, that as a result of Mr. mental's reps, the applicant has become aware of a previously unknown to them, drainage system, which is located on lands of East side of buried lay. And their representation states that they're currently working with the representative representatives of very holder states to explore the potential for connecting into that which they note would avoid the need to impact upon the state west of various lane. And sir, just so that you have that reference, it's on page six, it's the bottom, which you forgive me, it's on page seven of the representations. It's the penultimate row dealing with Mr. Meadows representations. And it's the final highlight, and all of my versions are lighted and probably not on yours, applicants currently working with representatives connecting to that drain, let's say so it does then know the potential to avoid the impact on land to the west. Now, we don't know anything, it is right to note that there have been some email exchanges about that. But what we don't know is anything about the stage that's reached or the pace at which those investigations are proceeding. And it may be that obviously the applicant can help us with that in due course. But it does seem to us that this itself may well present a reasonable alternative not involving compulsory acquisition, so that on the west side of the land on the west side of Barry's lane so far as it affects the estate, and that's based on what the applicant itself says that, that being so it seems to us that it would make sense for you to ask the applicant to report on that during the currency of the examination, so that the point can be resolved. And then obviously further land can potentially be excluded from the order if it's not actually required, as appears to be in contemplation. So so that that is all I'm going to say about drainage for now. And then finally, say I will just touch on forestry and Christmas tree businesses. I don't need to say very much about these at this stage. Obviously, in relation to the forestry business, one of the main issues is the HGV Access, which I've already covered. And in relation to the potential identified by national highways, highways England still on this application, I think, for the rights to be granted, that would enable Mr. Manual to continue managing the retained woodland so far as it exists. That is obviously something in which we are very interested in exploring. But again, it's going to be an area where it's necessary for us to hear that what the applicant has to say and to identify whether that can be secured in a meaningful way.

1:19:15

So So that concludes then the indication of the main outstanding areas of concern, which I'm afraid to say do constitute pretty much all of the principal outstanding areas or areas of concern that were raised in the first place in relation to impacts upon the private interests in the estate subject, of course, to what I've said about the relationship to the heritage interest. And then so finally, so all I'll say is that what that does say nothing about is the implications of the proposed compulsory acquisition for the public interest matters. So cultural heritage landscape, and our cultural and biodiversity interest. And obviously their matters are not only that have not only been subject to written evidence, but that will be coming onto tomorrow. So I'm grateful for the time you've allowed to that. I hope that that was helpful, and helping you understand the relatively limited progress that we've made to date. But we're hopeful obviously, we're grateful to the applicant for having arranged a meeting today. And we hope that we can report more positively next time. We're in a position to do that.

1:20:27

Okay, thank you very much, Miss cotton. Thank you for those submissions. And, Mr. Bauer, is there anything in particular that you want to come back on at this stage bearing in mind there? Is this meeting arranged? Is there anything in particular you would like to address at this point in time,

1:20:46

Jonathan bow for the applicant. Thank you. And thank you for Miss clutton For that very comprehensive submission. I think, before I pass over to Mr. Arthur, and perhaps Mr. Bratton, it's probably fair to say that there's perhaps been the painting of a of an impressionist picture, which is somewhat different to our understanding of where the applicant considers the level of engagement to be. And so if I can then pass on to Mr. Arthur, who might want to pick up on some of the points and also Mr. Bratton, as regards engagement because what Miss clutton did say or the note that I've taken, at least of what Mr. Sutton said was, that there's been no material engagement. And they're not interested in the numbers. But will. It's unfortunate perhaps that Mr. Manos agent isn't on the path of the hearing today, I don't think at least because Mr. Bratton will be able to update with conversations that have taken place with Mr. Manos agents. But if I can pass over to Mr. Arthur for any preliminary points that you might wish to make.

1:22:13

afternoon sir, by offer on behalf of the applicant, there's a couple of points I would like to pick out from Miss cotton's comprehensive summary there. The first one I would like to pick up on is the drainage ditch that runs down buries Lynn. This is the existing drainage ditch which was identified by the interested party to us. We have since since it was raised, and we were informed of it. We have undertaken investigations to ascertain the ownership we have went through the the national highways asset inventory, we approached Norfolk County Council to ascertain ownership. This whole process took around four weeks which point I returned to the misdemeanours team through George Joscelyn. To confirm that neither highways England also known as sorry national highways, nor Norfolk County Council on the asset, and that which point it was confirmed to me by Mr. menial. So by Jocelyn that Mr. meno on the Dutch foreign part of his land, we have since undertaken a site walk over and we will want to take a survey of the ditch, the ditch is heavily overgrown, is filled with detritus, the two existing culverts that run under the field access and access to marry with House are partially occluded. The soccer 500 mil diameter pipes, concrete pipes, so we are investigating that and that has been communicated to Mr. meno through his point of contact George Jocelyn. That brings me on to the engagement, which Miss cotton has highlighted and her opinion has been lacking. I would like to counter that. And if happy, we can provide a timeline to yourself, which would identify the engagement that's been undertaken to date since it was brought up by the Fosse procedural hearing, if you so wish.

1:24:07

And that might have possibly not for for this instance, if you like that might be something that might be helpful to set out in a written submission rather than sort of going through I don't want to get into is there a sort of something that sort of bounced back between parties, and then bits and pieces, because there's still a hurried amount of things that that I need to cover today? So yeah, I'm not sure there'd be much benefit at this stage. But I think that will be be helpful, perhaps, but that might be something that might compiler discussions between the parties, perhaps

1:24:36

no problem at all. And then the last point I'd like to make is with regards to the permanent lantic. So, through the design development, we have looked to minimise Atlantic where possible, we have held several internal reviews on the red line boundary, where we have challenged the design principles, we have challenged the temporary Lanti for the buildability from the contractor, and that has led to the boundary as you see today. What hasn't been disgust and Miss quoting summary is the fact that the field adjacent to Mary Whitehouse was initially identified to have our component as well. So that's nine one G, which is now identified as temporary occupation, through dialogue that that compound location was removed. So that there has been dialogue around the reduction in permanent lantic in that area. With regard to the comment made on nine one G, which is the pink strip that runs from Barry's Lane towards Durham road, and covers the area required for the foot we enhancement, we are aware of the the access issue. And we have built in our we have built in a requirement to maintain the movement of cattle from the pasture south to the water middle. Again, that has been confirmed to Muslimeen all via George Jocelyn, both and written representations and in the draft statement, a common ground that has been issued. I think that concludes my summary. Okay, thank

1:26:05

you just just in terms of that, as an example, that movement of cattle, where is that? Confirmed if you like so you say, well, where would I see?

1:26:13

It's an understatement. It's in the draft statement of common ground at the moment. So, and obviously, we'll be looking to formalise that

1:26:19

to it. So it's not something that's actually formally in front of me at this point in time.

1:26:24

It's something we look to security are separate heads of terms.

1:26:27

Okay, thank you.

1:26:29

No problem. Thank you.

1:26:33

Jonathan baffle the applicant, sir. If I could just pass to Mr. Bratton, who can just cover off the engagement point with the Mr. Manos agent, please.

1:26:46

Thank you. Good afternoon again, sir. Sorry. Steve Brown district, valuer appointed by the national highways for London valuation matters. Just to come on the point that Barry said, we have tried to

instigate conversation obviously, with the land agent Joshua Spink, obviously initially sent out plans to instigate discussions, I did actually send out a preliminary evaluation, which I shouldn't normally do, because it should be the agent that puts forward a claim to me to have a look at and substantiate. I have a good working relation with Josh, and our conversations. On other pieces of land, obviously, we talk about Mr. Manos land as well. And I was basically verbally told that we can't really go forward on these negotiations until all the other matters are resolved in terms of the the environmental issues and all the other issues that are ongoing on this particular case. So that's just to give you a heads up so around, we have been trying to communicate and move this forward.

1:27:48

Thank you sprats. And thank you,

1:27:51

Jonathan bar for the applicant, that there is one other point which just would like to cover arising from Miss clutton submissions, and it would be of assistance to the applicant and potentially the examining authority. If if Mr. Menon and his team were able to not necessarily now but in due course, to identify precisely the location of the reservoir that they've referred to in their submissions today.

1:28:21

Okay, thank you that that would be helpful. And it's something I made a note of Miss cotton. Is that something

1:28:26

that Yeah, absolutely. We can do that. That's, that's not a problem. That's great. Thank

1:28:31

you. Thank you for that. Mr. Barrows, anything else that you wish to add at this stage?

1:28:40

Jonathan bar for the applicant, not at this stage, we will obviously reflect on what Mr. Clinton has said today. And, as Miss Clayton said, the applicant proposed the meeting to Mr. Mainul. And his team. And that meeting is taking place just as soon as this hearing is over. And so hopefully, we'll both parties will be in a position to report back progress following that meeting. Okay,

1:29:05

thank you for that. That's helpful. I think my aim is probably to leave this matter there for that good for the pure reason that there's obviously discussions happening in the background for submissions by Miskell, and raises a number of sort of questions and issues. In my mind, however, there will be those questions and issues get resolved by the end of today and the discussions that you have or at least ways forward found. So it would seem it would seem to be sort of good use of time that we've got for me to sort of go through questions that may well be between the parties, they may well resolve those and then whatever may only sort of question then really is is how would this information be fed through to me is this something that will come through the next deadline and just there are quite a significant number of issues here and it's something that could take a reasonable reasonable amount of time to go

through and unconscious where we are within the examination process. And it's just again, understanding Give timescales and timeframes to allow both the parties to have the discussions but also myself to ask any questions and for the parties then to respond and that side of things,

1:30:10

Jonathan bath for the applicant, what I would propose is perhaps at the meeting this afternoon, we raise that and have a discussion with Miss Clinton and her team. But the the intention would be that first and foremost, if the statement of common ground could be advanced once Mr. Menon and his team have had an opportunity to consider that draft, that will be a sort of a first point of update, and then they could be a further update. Perhaps not then. We potentially bide by deadline for we'd be in a position to supply the statement common ground, as well as perhaps any further update that could be provided to you. But could I respectfully request that Miss Clinton and ourselves have a conversation as part of the meeting and we can report back separately in open correspondence with any update albeit limited, the meeting itself will be without prejudice.

1:31:07

That will be ideal. disclose that okay with you?

1:31:11

For Mr. Meadows? Yes, absolutely. We'll work with the applicant to identify a suitable timescale for firstly, submission of the agree version of the statement common ground, which obviously may develop anyway, in due course, and any other updates that we can provide you certainly buy some something with you by deadline for and then we can have a discussion about what we might do thereafter. But yes, noted, sir, about the timing of this. And obviously, that's one of the reasons why we wanted to make sure you understood these points at this point in the proceedings.

1:31:48

Okay, brilliant. Thank you. But that that's been helpful. Thank you for that. Okay, so what now? Let's see. So moving on, keeping on with item three, just sort of working through the, the other effective parties, Mr. Hawker, I've got your name sort of down on the next on my list of people to come to is there anything that that you wish to raise at this point?

1:32:19

I'd like to, so Richard Hawker from occurring. I don't know whether it's appropriate. But looking through the the book of reference, a plot of land near offering it six stroke Friday.

1:32:37

Okay, so is this just for my information? Is this bit of land that you have an interest in yourself as owner or not as owner? Okay, then then this may not be the appropriate because the purpose of this hearing is to deal with people who are an affected person or you they have land ownership issues or have rights in particular land is a general question. It may be something that we can either pick up tomorrow through the issue specific or if needs be in writing through the next through the next deadline, and then we can sort of deal with it in that way. If that if that's better, I think.

1:33:11

Okay, perhaps I could undertake to put it in writing.

1:33:15

Yeah, that that'd be fine. Yes. Thank you. Is that it? Is there anything else that you wish to raise? Is that it?

1:33:25

No, thank you very much. So that's, that's all I need to raise. Thank you very much interesting mode from time from now on.

1:33:32

Thank you. And if I could get some Mr. Clark.

1:33:41

Thank you, sir. My name is Paul Clark. I am head of planning at Brown and curb. And I represent Neil Austin, Al Austin and Sons limited. They own land in the vicinity of woodland junction, are our principal reason for appearing in front of you today relates to an area of land immediately to the west of the Northern roundabout of the dumbbell at woodline. I've got a reference for our representations if that helps or whether you can rely on your land maps to help you

1:34:24

I think I have where you on your landmass. But if you've got your reference, then then while you're introducing I can then just cross reference to make sure that the right piece

1:34:32

I've got two one is our EP three dash. Oh two eight. Yeah, and our EP three dash Oh, three, eight.

1:34:45

Okay, fine. Thank you. I

1:34:46

can I think there's a couple of banks that aren't applying applied to one of those representations in response. The reason why we are keen to come in front of the series because we've feel that there is going to be a lost opportunity in the design of the wood Lane junction, in that for some time we have endeavoured to be engaged with highways England and the respective district councils and proposing roadside services on this particular area of land. We think it's an appropriate position in which to cite roadside services. Unfortunately, in taking part in the various iteration resolve the highway improvements to the A 47. It wasn't until very late stage when we recognise that the land that we had identified to highways England and to the District Council's it was going to be used for biodiversity net gain proposals as part of this. These road proposals in the we weren't we don't believe that they were published with any particular consultation that we had certainly picked up. And we're concerned that that's, that's a lost opportunity for actually providing necessary roadside services. In a general planning context, we feel that that provision for biodiversity net gain could actually happen to the south of the

proposed route on land that my client does own. Where it's difficult to describe this. It's further to the west of wood lane, there's a proposed lagoon. And it would be to the south of that lagoon, located on the Ribbon. And in between the lagoon of the river where we would actually suggest the biodynamic diversity, net gain could occur in that particular location, because of where it is located. In the vicinity of the river at the, the the wood lay the wood, the wood area, we believe that there would be a it would be a better location for biodiversity gain. And simply to say, well, we've got a spare piece of land next to the the dumbbell let's use that. The the land concerned is virtually an extended Island, a lozenge if you like. And we believe that that could be put to better purposes than simply allocating it for biodiversity proposals. I appreciate this may transverse into tomorrow's discussions. But it kind of feels part of our principal reasons as to why we're concerned about these particular proposals. So I think we've tried to discuss these proposals with highways England, we don't have a dialogue running between them, between ourselves and them on this. I believe there was a beating due to be arranged between ourselves and the applicants, but that got cancelled. And we don't believe we've come to a satisfactory conclusion with it. And that's where our, our principle crimes are. I think that's probably covers what we want to say, Sir, in this instance.

1:38:56

Thank you, Mr. Clark. That's very helpful. And just before I go back to the applicant, see if they've got any comments, just in terms of that suggestion and proposal that you have is that being promoted through other plans is that is the land allocated in either plans for that use,

1:39:14

the land is allocated for that particular use. There are no planning applications in play. So in terms of compensation, which I don't think is what we're after, we're actually planning a route of suggesting that in terms of the proper planning of that junction, there ought to be some roadside services, and we feel our land would be the most appropriate to do that. It's close to the A, the improved a 47. It would be visible, and it would comply with other elements in designing these roadside services or major ease That's, that's primarily where we're coming from. We did have we did tried to identify precisely the land concern, but it was It wasn't until a very late stage in the process, when the actual design of the junction came out, and we could readily identify whether it would be appropriate for our loan to accommodate these roadside services or not. That's it, sir.

1:40:29

Thank you, Mr. Clark. Thank you very much. Mr. Bauer on behalf of the applicant, is there anything that that you wish to, to add falling following us submissions or comments?

1:40:39

Jonathan bar for the applicant. Can I briefly pass over to Mr. Arthur, who can just update in relation to the proposed use of the land in question that Mr. Clark has referred to? Thank you.

1:40:54

Good afternoon, sir, by offer on behalf of the applicant. The the area of land in question was shown a statutory consultation and there were several comments raised by interested parties for the live events undertaken, where the applicants team confirmed and response to what our land would be that the area

will be landscaped as part of the schemes environmental and ecological mitigation. The concept is consistent with all those teardrop parcels that are contained within side roads and slip roads for the length of the scheme. The second part of the response that I would make is that the scheme's redline boundary was obviously submitted in accordance with the planning regulations to the local planning authority on regular intervals to safeguard the corridor. No representation has been made by the local planning authority on the inclusion or objection around the inclusion of a PFS. That's all Thank you.

1:41:52

Thank you very much. Mr. Barr, I'm guessing that the end of anything that that you wish to say on that matter,

1:42:06

Jonathan, Babs African. Yes, that's correct, sir. Thank you.

1:42:08

Thank you very much. Thank you for that. And if I could go to Mr. Burch next.

1:42:19

Thank you, sir. Charles birch from Rana Cove representing the owners of the snus data on a Mac Teasle scam. Forgive the pronunciation. The Eastern estate owns and farms property running between wood Lane all the way down to the river Tod. On the north side, the scheme. It then picks up partway along the north side between Tavor and road and Church Lane Lower Eastern near the overhead wires. So the scheme divides into those two main sections on the north on the western blot in wood lane, and the river Todd. The road is at the moment destined to be introduced about 150 metres on average, it's a bit more in some cases a bit less than others. So about 150 metres northwards into the estate over a distance of about a kilometre. It it also brings the road from where it sits at the moment in a in a very low sort of in an area of low low land if you like and screened behind mature woodland generally. And it brings it right up onto the upon to and towards the sort of upper higher level with no visible or any other landscaping protection other than what's proposed by the scheme. One of our concerns, I suppose, has to be the discussion about the alteration of wood Lane unconscious that that's really a subject for other other days, but on the basis the estate has got it's losing 30 hectares of land, it's losing another 16 for temporary use, and a further 16 hectares for temporary use with with permanent rights. It's badly affected, in addition to the cumulative impacts from the potential for the future, Northwestern link and also two other major infrastructure schemes being run by Ofsted and equinor for underground cabling. So it feels like the in in backhand at the moment. They will generally be quite willing to help a landowner in need and a neighbour but they aren't concerned at the potential for the loss of a further eight to 10 hectares of land. So, rather than dwell on that now, we've worked very closely with the applicant as far as we can, we've got one or two areas that we haven't quite been able to resolve yet. It'd be very helpful if we could shine a light on these or continue to shine the light on these with a view to try to find solutions if we can very happy to meet and can you attend the discussions, the principal issues are around the visual headlights spill, landscape and privacy issues running between wood lane and the river Tod, which you'll see when you go to site, no doubt and the applicant has been accommodating to an extent that they've decided to that they've they've accommodated a two metre embankment and sentry planting on the north side, having undertaken

quite a lot of survey work and considered the top topography of the road, etc. We have taken advice from landscape and highways consultants who have advised that we do need more. And so we'd like to continue this discussion if we can to see whether we can mitigate the impact of the scheme which is very exposed towards the western end by wood laying the the actual overbridge rather than the dumbbells, which are set percent lower, and through the over the whole farm underpass, which is necessarily high end at a high point in the landscape before it drops down further into a cutting. But the trouble is that as it drops down at the cutting edge as the road travels east, it also comes incredibly close to whole farm, which is what the applicant's own

1:46:53

noise reports have said is going to be very significantly adversely affected. And then after that, it rises up to go over the river tide again. And so it's very, very visible. And so we'd like to continue to work on days if we possibly could. And I think we do sometimes feel as if we haven't, we're not quite making the progress. We we may be able to because there's a sense that and I understand the need for the acquiring authority only to do what is necessary for the purpose of the scheme. But actually, we'll be there long after they've, they've gone. So a little bit of extra assistance on that would be helpful. There are concerns over the some of the side roads issues, and we're concerned that this will fall between two stools, because

1:47:42

so it's not interesting. Some of these might be going off into subjects we could or we will be touching on tomorrow in terms of some of the environmental bits and pieces. This question may well be whether it's more appropriate for tomorrow in terms of the transport because what I'm interested in at this stage is the land side of things.

1:48:02

I'm very leave very happy to leave the local roads. And in fact, I'd be delighted to leave the local roads. I'd like to drop back to two other very small points. Or rather, they won't take that long to cover the stretch between tape and road and Church Lane currently has a cycle away on the north side. And the owners are very conscious that there is a cycle path on the southern side of the scheme there. And that if the one on the North was omitted, it would allow for it would allow less land take less visible intrusion or increased privacy if you'd like put another way and a greater opportunity for after scheme screening. And further there was at one time an access running from the Norwich road junction by the table and road through to let to Lower Eastern Church Lane that's been missed off although there is reference to a temporary access for the Ofsted works, and we have been endeavouring to persuade the applicant that it would be much very beneficial. If we had a private means of access at least running from the north road junction along the north side to Church Lane. It would serve the going land to the west of the of our client. It could deal with the Ofsted works when required and it would prevent the owners of the estate having to go on a very torturous route up tape from road while ran the junction up Tavor and road across eastern to Western road back down to lower East and to access land. So that is one that we would be delighted if you could persuade the authority to consider more seriously. That's all from me, sir. Thank you very much.

1:50:27

Thank you, Mr. Birch. Mr. Barr is anything that on behalf of the applicant that you would like to respond to

1:50:35

Jonathan Bauer for the applicant? Yes, I'll hand over to Mr. Arthur to briefly comment upon a couple of points that Mr. Burch has made. Thank you. Thanks.

1:50:47

Afternoon, sir, by offer on behalf of the applicant. I just like to echo Charles's comments that there's been some very productive collaborative discussions over the course of the skin development with Eastern estates of Charles and Michael, with regard to some of the points raised, you're absolutely right. So that these about placed for the environmental hearing tomorrow where we can touch on the the provision of the screen bonding and the receptor assessments. On the last point on the access that Mr. Bochy has raised from TV from rode along to chop Selina, Eastern, we are engaging with the landowner, but as the request from Eastern estates relates to our a route that will go over he and other landowners parcel of land. The request was for a dialogue between the two landowners to to happen to understand that that would be something that we're willing to accommodate prior to the discussion has been taken any follow before state. That's all Thank you.

1:51:44

And in terms of those discussions, that we just added a still ongoing, still outstanding or

1:51:50

so discussions in general were fostered or ongoing in terms of the agreement, obviously Ofsted has a DCO in place already that our scheme with with interact with. So we are assessing the the points where it all comes down to their construction programme, where their access point is granted would would not be provided because of our scheme, the removal of the Eastern roundabout. And we're working along that timeline with our heads of heads of terms agreement.

1:52:16

Thank you, then this may slightly cross over into stuff we might discuss tomorrow. But given we're on land issues in terms of the additional screening and bondings, that all falls within a red line and be within the land that's identified.

1:52:31

Yes. So the screen bonding and visual screening that's been provided is all within the Conrad line boundary.

1:52:37

Okay, and therefore, within the book of reference, etc. So it's all been

1:52:40

Yes. So all forms part of the proposed scheme.

1:52:43

Fine. Okay. Thank you for that. Great, thank you. Thank you very much.

1:52:51

Jonathan bow for the applicant has nothing further to raise him in response to Mr. Burch and grateful for his contribution. Thank you.

1:52:58

Thank you, Mr. Burch. Okay, if I could come to Mr. Rush, please, if I could, if there's anything, any comments that you wish to make?

1:53:09

Thank you, sir. Jonathan rush acting for Mr. Neilston. The food enterprise Park, James Austin, and hunting and farms limited. This point, I would say that the majority of points that I have to make relate to factors that will be addressed tomorrow. Acknowledge that we've had positive discussions with the applicant and the the district value on all points relating to land take. And these discussions continue. So thank you.

1:53:42

Thank you, Mr. Rush. Mr. Bower, whether there's anything else you wanted to add or not to that,

1:53:50

Jonathan about the applicant? Nothing further. Thank you.

1:53:53

Thank you very much. And then if I could come to Mr. Right, or at least if I could, if there's anything that you want to add at this stage.

1:54:07

Hello, Alice and Roberts here as well? Yes, since this morning's meeting, we have had a positive discussion with Steve Bratton, the district valuer. If I can just give you some background for our situation, or Roberts. A few Saturdays ago, we suddenly got the DCO map, saying that the land needed to be acquired permanently. It's two parcels out of Roberts three parcels of land. And they were coloured in in pink on the map and it was just a complete shock. Because we'd had no correspondence at all about this not we hadn't received any, I think two former letters but nothing really directly involving Roberts land. Luckily, I had a contact at galliford Try that I managed to speak to the next morning, who assured me that he felt it was connected to the relocation of these great crested newts. We had had what we called the scientists visiting the land over the last three to five years, they'd always contacted Robert by phone, there'd been no written request. And actually just discussions amongst Robert and myself, we just thought they were probably, I don't know, scientists doing a PhD or something, we actually didn't know what they were doing on the land. But Robert had been quite happy that they were on the land. You know, he felt if he could have anything in the natural environment, which he's worked very hard to cultivate on his land, we've got quite a lot of wildlife on here. He would be happy, perfectly happy for them to be there. But then Jamie said to us, I think it's to do with the great crested newts, we

have no idea that the scientists were looking at Roberts two pawns. And it had any relationship with the journaling of the A 47 until the Monday before last. So it was actually we're talking of parcels of land. One five A and one, five, b. Um, I don't know

1:56:21

if I was gonna ask if they with a just off low row, which which I just found us,

1:56:25

sorry. The C from the A 47 juuling. So quite shocked, really, that we're connected to it at all. But now we realise it's to do with the news. We have now had a verbal reassurance from Steve Bratton. But it's still verbal at this stage. And we have arranged a meeting for him to come out since this morning to come and have a look at the land and explain further. But he has assured us it will only it should really he was concerned that we've been so alarmed. And he said he felt when he looked at the map this letter should not have gone out in the condition it's in. Because really it will only be used or acquired temporarily to reload physically put the newts into the pond. And also for five years after possibly to access and monitor the development of the the situation in the welfare of the news, which Robert is only too happy to have the news in his ponds, we find it surprising because the ponds aren't in particularly good condition. They need attention they were next on the list if you like. And we do know there are other ponds nearby that do have better habitats, in our opinion, because we know the newts need clear water or good water. But anyway, that's irrelevant. We do not have a verbal reassurance that you don't want to acquire the land permanently. And we've we await the meeting with Mr. Bratton, which is on the 15th of November, I believe. We do have a second issue, which has to do with surface water drainage beyond Roberts land. At the moment he has ditches on the land and a culvert which go beneath low road down to the river, Tottenham. We have made someone of galliford Try a guy called Jamie Hayward aware of this, and he says he's discussed it with someone and that the issue will have to be resolved. But we're both anticipating that juuling of the A 47 will result in larger volumes of water affecting hours and other people's land beyond hours. Well, it's Roberts land really. We would like more clarification about drainage. We don't even know who to contact but as I say we have a road culvert from Roberts ditches under the low road into the river toponym. I think it would be fair to say it's not terribly well effective at this for us sometimes. Roberts here now he's going to speak if that's okay.

1:59:12

I think that sometime in the past the main drainage ditch that runs across my land and the crosses low road has actually been filled in some years ago when they put a mains water supply down low road. And I think that is an issue that needs addressing for the sake of other people because it will create large volumes of water that can't simply get away. And obviously if it can't feed down through the old directory to the river today, then obviously it's going to cause major flooding. I'm quite surprised they didn't pick this issue up actually. But then obviously in a project this size, there is a lot of work got into it. There is lots that need to be checked out quite thoroughly before it takes place. Regarding the newts, I have no issue with loops coming into my ponds. But as Alice has explained, I was quite surprised. There may be the point that two parcels of land have been registered in my name, but on a previous address. Now this could explain why I haven't had no comp correspondence in the past. But nevertheless, we're actually at this point. So obviously, anything we can do to resolve any issues, then obviously, where I will do my best to help with. But the main, I think the main thing is actually is I would

like to see now in writing something saying that there is no permanent purchase of my land, actually, because I really do feel this no need for it. Okay. I think that's it. Okay.

2:01:14

Thank you both. Thank you very much. That's helpful. Mr. Bauer,

2:01:20

thank you, Jonathan bar for the applicant and grateful to Mr. Wright analysis for their updates. The the point in relation to notification is one where Mr. Wright alluded to, in part about perhaps, notifications has gone to an address where Mr. Wright may not have updated his current address. But I do understand that previous notifications, including for example, section 56, were properly served and have been received. But if it would help, we can provide a sort of a schedule of engagement, but it may not be necessary, given the the the positive response overall that Alice apologies, I don't know your surname, but Alice indicated and of course, she, she referred to the hard work that Mr. Bratton has been putting in with landowners who are keen to engage. If it would help, I can pass over to Mr. Arthur, who can update in relation to the great crested newts in particular? And then can we then just briefly touch on the drainage point?

2:02:32

Um, yes, I would quite like that. shedule, please, if possible. And the other thing we were told is that the letters have been signed for by someone. So that's, you know, just a bit a bit of concern for us that they were served, as you say, possibly. Somebody else has signed for them. So this came, that's the reason it came as a surprise to us. In actual fact, someone from galliford Try did turn up in the summer just to generally talk to us about the a 47. We didn't even connect particularly the great crested newts then, but he came because he said, we've noticed we're serving things. And we're not getting any response from you, although you're signing for them. But in fact, we weren't signing for them. But anyway.

2:03:23

Thank you for that. If we could hear from the applicant, I would help me if I could just hear their explanation. That'd be great. Thanks.

2:03:31

Good afternoon, so by offer on behalf of the applicant, I believe, as Jonathan touched on their own understanding as has been a personal issue and a change of circumstance. And it would appear that someone has been sailing for the letters are not passing that information on, which is something when we identify that we don't get a response, we do an action plan. And as Lady touched on, sorry, I was touched on Jimmy he would from galliford Try went down to the property and made contact directly. With regards to the comments raised about the news. The intent is to relocate the grid cliffs the news and then they come with a five year management plan. The intent is not to permanently acquire the land. And it's something that we would work with the landowner on the strategy around the temporary acquisition and maintenance procedures around that. The second point that was raised around the surface water in the ditches, we are heavily engaged with the lead local flood leader local for the authority nor and Norfolk County Council sorry, tongue tied, and obviously the Environment Agency across the whole scheme. So we have undertaken river surveys we've taken surveys of the adjoining

ditches and such like the meeting that you've touched on which the Brighton I will also be on site that week. So I'm more than happy to come up and meet with you unexplained in more detail what the proposals are to give you a degree of comfort around that Alice and robot if that would be welcomed.

2:04:56

Yes, yes, that

2:04:57

would be great is you really re referring to the drainage ditches.

2:05:02

I'm more than happy to speak to both issues. So the great crested newts under the surface water drainage issues, benefits, any issue that needs immediate rectification, then we could obviously raise that to Norfolk County Council or the IDB dependent on ownership. Okay,

2:05:16

I can deal with that offline rather than through through bits that output that signal. Thank you. So. So can I just ask one, one question that because just looking at the land plans, one 5pm, on Friday above, pink on my new said that not being acquired permanently? So I just want to clarify the position.

2:05:39

Are you sorry, was that for me? Or

2:05:43

no, sorry. I see. It's African Sorry.

2:05:45

All right,

2:05:47

Jonathan bow for the applicant, that the reason for the original inclusion for permanent acquisition was to cover the position in relation to the need for there to be a level of ongoing management of that land in relation to the control relating to the great crested newts. But that that is the sort of worst case scenario and the applicant welcomes the the positive engagement from Mr. Right analysis in relation to how an agreement could be structured. And that's the purpose of the the following the confirmation that Mr. Bratton has given to them. The next stage, obviously, is this meeting with a view to agreeing form of heads of terms which could provide for the ongoing management of that land, so as to avoid the need for there to be any permanent acquisition. But in the absence of circumstances where a landowner is positive, positively engaging, it would be ordinarily the case that the applicant would have to seek permanent acquisition to provide for that control. But in circumstances where there is the positive engagement as we've received to date, it is possible to to, if I call it downgrade the acquisition from away from permanent acquisition to have a form of ongoing management of that land, which doesn't need to be through permanent acquisition.

2:07:11

Okay,

2:07:12

thank you. That's very helpful. Thank you. Yeah,

2:07:14

that's reassuring. Thank you.

2:07:17

Okay, that's great. I think that's helpful for both sides. So thank you very much on that.

2:07:24

In terms of

2:07:26

other interested parties, is there anybody else who wishes to say anything on on this matter? Before I move on to Item four on the agenda? I think I've covered everybody off on my list, but I just want to make sure there's nobody else who would like to speak.

2:07:45

Okay, I'm not seeing any hands or anything like that. So that's very helpful. Thank you very much. If I could then move on to Item four on the agenda, which is statutory undertakers, and I'm not sure we have any statutory undertakers in attendance. But perhaps Mr. Bao, you could just update me on where we are with with those discussions.

2:08:08

Jonathan bar for the applicant, as I understand it, and update was provided yesterday as part of the DCO hearing in relation to protected provisions and the sort of interplay with progress on negotiations with each of those statutory undertakers. That certainly isn't any update since yesterday, as we've been spending our time in hitting hearings. But if if you would benefit from hearing that again, then I can, of course, do so.

2:08:36

No, that's fine. I have that I have that update. So that's that's how you sir. That's fine. Thank you. And then item five Crown land as well, Mr. Speaker, if there's anything else on that match in terms of where you are with with those discussions, as well,

2:08:54

in terms of progress with Crown land, those conversations continue. There is fortnightly calls with the government legal department who are coordinating the various consents that are required, the process is being undertaken across the four a 47 schemes jointly, you may be aware that there are three other a 47 DCO applications. What one, two, currently an examination one about to start examination. And so there is a there is a coordinated approach with government. It's certainly in terms of meeting the section

135 test. There's no there's not expected to be any difficulty in securing, securing the agreement prior to the close of the examination will obviously keep you updated throughout the progress of examination and both we but also the government legal department are aware of the timetable in relation to examination so know when we need to have a sort of final backstop in relation to securing that section 135 consent.

2:10:01

Brilliant, that's helpful. Thank you very much. And I don't think I've got any further questions on that one. Okay, thank you very much. Moving on to item six review of issues and actions arising. And I don't propose to go through the Lord, it's quite clear, there's a number of meetings that are happening with regards to be the applicant with a number of the affected persons, which is helpful. And I will await to see the results of those ongoing discussions with it within and reverse those landowners over the next couple of deadlines to see where we are and how things get resolved and move forward. Item seven, any other matters. So has anybody got any anything else that they wish to raise or any points of they're not been able to, to raise it under any other items that have gone previous?

2:10:59

Again, I'm not seeing any hands or anything like that. So I'm thinking there's, there's no other matters. So thank you very much for that. So that just moves me on to the close of the hearing. So again, thank you for your participation in this afternoon's hearing. So living are extremely helpful and useful for me. As I mentioned at the start, there'll be a digital hearing will be made available on the website as soon as possible after we finished. And in addition, if you are requesting, submitting, writing the points that you've made here for publication on the website with the deadline being the deadline for which is the 12th of November. The time is now for 11 and I declare the second hearing for the proposed there 47 Certain Teresa Julian project is now closed. So again, thank you for your time and good afternoon. Thank you