

TEXT_CAH2_A47Blofield_09112021

00:10

Close just confirm that everybody can see us hear me clearly. Yes, I can. Thank you. Thank you. Can I also confirm with Miss Allen that the recording and live streaming of this event has commenced?

00:30

Sorry, just waiting for it to load? Yes, it has. Thank you. Okay, thank you. The time is now 11:30am. And the hearing is open. I'd like to welcome you all to this second compulsory acquisition hearing for the application made by highways England, now known as national highways, whom I will refer to as the applicant for the A 47 blofield. North Burlingham project. My name is Alex Hutson. I'm a chartered town planner at the chartered landscape planner and I've academic qualifications in these areas. I'm a planning inspector employed by the planning inspectorate, and I've been appointed by the Secretary of State to be the examining authority for the examination of this application. There are three colleagues from the planning Inspectorate here this morning, Miss Allen, the case manager, who will already have met and James Bunten to the Max Baldwin, also from the case team. If you have any questions regarding the application process in general, or the technology being used for virtual events, please direct these to the case team. He'll be happy to help. An elder with a few housekeeping matters. Firstly, can also all audible notifications for electronic devices be switched off? And that unless you are speaking, you have your camera and microphone turned off? If you do wish to speak, please use the raise hand function. No request to be made for any special measures or arrangements to enable participation in this hearing. Is this still correct? Yes, that is correct. Thank you. If you lose connection, please use the same link that you use to log on and the case we will endeavour to reconnect you as soon as possible. If for medical or other reasons, Enron requires a break at a specific time. Could you please let the case say no and I can hopefully adjust the programme to meet your needs. For the purpose of identification, at every point in which you speak, please give your name and if you are representing an organisation or individual who it is that you represent. Does anybody have any questions or concerns about the technology or the general management of the event?

02:38

Okay, I'm saying they raise hands so move on. I included information about the purpose of the compulsory acquisition hearing, which includes the discharge my duty as the examining authority to affect the persons who request to be heard on the agenda document also include information around digital recordings and the general data protection regulations. As such, I do not intend to go into detail on these matters here. However, does anyone have any questions on them?

03:13

saying no, you haven't told move on. Since notification of the hearing on Eighth of October, I've had no requests from any affected persons to speak at this hearing. Are there any effective persons present? Who do wish to speak today?

03:33

Okay, I'll take that as a no. The agenda for this hearing was published on the project page of the national infrastructure planning website on Thursday November and it would be useful to have a copy of that to hand the substantive items on the agenda our item two is to cover requests for non material change the application made by the applicant. Item three is to consider the site specific issues be addressed by the applicants item for cover site specific representations raised by affected persons, although we don't have any presence at the moment, and item five will consider any statutory undertakers land issues, and Item six matters relating to Crown land. The agenda is for guidance only and I may add other issues for consideration as we progress. I also listed some documents on the agenda which may be referred to I'll conclude the hearing as soon as all relevant contributions have been made and all questions asked responded to. But if the discussions can't be completed under likely say longer than anticipated, it may be necessary to prioritise matters and for others to further written questions and or further hearings. If you can't answer the questions that are being asked or required time to get the information requested, then rather than given a restricted or potentially wrong answer, please indicate the need to respond in writing. So before we move on to deal with the items detailed in the agenda. Are there any questions at this stage about the procedural side of today's hearing or the agenda? Okay, I'm seeing no raise hands. So take that as No. I'd now like to say the names of those who wish to speak at this hearing. Please state your name and who you represent. Firstly, the for the applicant.

05:29

So good morning, I am Richard Guyatt, a partner at the firm of Womble bond Dickinson at UK LLP, as you know, I will refer to from now on as WVD. So I'm instructed by national highways limited the applicant in this matter, on the drafting of the DCO and trips hinted at today's hearings. I do have a team, I'm pleased to say here alongside me, at least, virtually. I'm very happy to ask them to individually introduce themselves to you. It's up to you. So I think there's no one that you haven't met before.

06:02

I'm happy to do if anybody wishes to speak, and I'm happy for them to introduce themselves at that that time, if that makes things easier,

06:12

entirely up to you, of course, but you know, I can see the sense of matter. So, unless there's anything else at this point, so I think that's it for me, just for now. Okay, thank

06:23

you and local authorities. This Mr Cumming from Norfolk County Council.

06:35

Yes, good morning. So it's David Cumming, strategic transport team manager at Norfolk County Council. I'm not intending to raise any items this morning.

06:44

Okay, thank you. And we have no affected persons. And my rights. We'd have any statutory undertakers today either. No. Okay. In that case, I'll move on to item two of the agenda regarding a

change request. So regarding the change request, which made the deadlines six, I know that it's largely reflective of the previous change requests made by me by the applicant, which I declined to accept for the reasons given in my procedural decision dated the eighth of October, given the similarities, and the applicant just provide a very brief description of the change request, and the reasons for it.

07:41

Thank you, sir. It's Richard Guyatt WVD. So I think last time, this was in front of you, Mr. Dagg took you through the detail. I've watched that recording, I know what I've said. So I will summarise it as swiftly as I can. If either you or Mr. Dagg think I've not done it justice, then no doubt either Home Depot, both of you will let me know. So this relates to the proposed diversion of the the cadent gas unlimited pipeline to the south, it's worked number five in the shedule wanted the draft development consent order. So, the existing cadent pipeline crosses a north south aligned pipe at a point which will be formed part of work number one, when we we are keeping divert work number five or create work number five, divert the East West pipeline, there needs to be a new water instance called a block valve compound provided at the new intersection the new crossing of the two pipelines. So this needs to be re provided in terms of a small area freehold a slightly more obvious piece of essentially concrete with some bales on top of it. And given the significance of the pipeline, it also needs to have an access provided to cadent. As a result of that, we have chosen to slightly extended the southern access road that runs parallel to work number one, turn it 90 degrees, send it south to the new intersection of the two pipelines. As a result of that, so we need to slightly change what is in the the land plants in the book of reference to create a permanent new right for cadent to access the new block valve and also provide a small amount of freehold land for the Brookfield compound area. So I think that's it in terms of the physical works, in terms of what it looks like in the book of reference and the land plan again, so I think that you've been taken through that I'm happy to go through it in more detail if it We're deceased. But I think Mr. Dagg expertly guided you through it. Yeah,

10:05

I don't think so. I've got a few questions, but I don't think it's necessary to do that. Now.

10:10

So why are we coming back again. So we, we read your letters saying that the problem that we were facing was the CIA regulations applied, and that we didn't have time essentially, to deal with CIA regulations within the timeframe of the examination. So I, as you may or may not know, I was away for a few months on a sabbatical. And I came back, thankfully to a very free audiobook, and was able to sit down and spend some time looking at the title and probably spent the best part of the week going through the title. And that's one, going through all the various loose ends that one gets from from the official copies, looking at our documentation, and working my way through, and I'm very pleased to say that I came to the conclusion that whilst a number of interests were noted on the title, they were very much geographically peripheral, and mainly related to largely areas of the large Norfolk County Council title that had been syphoned off, for the most part, a lot of the entries were actually to the benefit to the retained land rather than burdens on it. And also, where there were burdens, they were very specific. So it took a little bit of sleuthing, but I very pleased to say I came to the conclusion that in relation to the area of land that we are talking about, there are no interest in that land other than those with whom now we thankfully have consent. So that is why we've come back to you as we have served, because we

think that under Section 123, we fit in Section 123 of the plenty, it doesn't mean we fit in under there, everyone can sense limb rather than having to go through the the prescribed procedure. So that I hope that's probably a little more than I've said in what we said in the application. I'm very conscious. So you have some questions.

12:07

Yes. Thank you. That's, yeah, that's helpful. I think, first of all, looking at your change request documents at paragraph four, point 1.52. Do you have a copy of that? 200. Mr. Guyatt

12:36

So I do, I'm just getting to hopefully 4.5

12:42

point 124 point 1.5 to four point. It's on page. Page Number Six. NASA. Okay, great. So, in that paragraph, you say there are no new plots of land or interests for CA compulsory acquisition of CA, which not previously affected by CA. Yeah. So just taking one of those plots as an example, plot five, one B, which was previously temporary possession, which then is proposed for compulsory acquisition of rights. So my question is, is temporary possession compulsory acquisition?

13:38

Thank you. So it's, I find it quite difficult to answer because I think it is something that is debated very frequently, and usually little interested in on other than compulsory purchase practitioners? I would say so in the context here. Perhaps this would have been better phrased by saying is, is the land within the order land, or are we spatially adding anything? My view was clearly in that respect so that they more land is coming in. There is no more affected land. I think that perhaps there was what we were trying to say, is temporary possession, compulsory acquisition. I'm not sure I really able to answer that I can put some submissions together. The reason I can't answer is because frankly, sir, I have seen argued and I can argue that I have argued it both ways. I'm aware for instance, historically, if one can use the term historically in the context of the 2008 Act, there have been decisions that have said just as a temporary temporary position is not compulsory acquisition equally. However, sir, I would say that the drift is that it is increasingly treated as such I'm not aware of any case law either way, sir. And I would say that in relation to the point that you you're making in relation to that paragraph, I think that the difficulty for us is that perhaps we used the wrong terminology. And we should have said within all the lands, that's what we were trying with with the answers your question is another matter. But the planning,

15:29

the Planning Act talks about compulsory acquisition, but it doesn't talk about temporary possession, which indeed, falls under a different different legislation doesn't other planning apps?

15:44

Yes, the I'm afraid you've got me on a topic that I could probably talk for a very long time on. And I'm trying not to the question of whether temporary possession is even authorised under the Planning Act has indeed been debated. That said, there was a very long history of it under the transport Works Act. And of course, under hybrid bills, hybrid legislation. The case law such as there is around it tends to

concentrate on compensation issues rather than the process and the mechanism. And it's probably quite an extraordinary thing to say so but I don't think anyone has ever decided whether temporary position or powers are compulsory acquisition, they are certainly what was meant, in this part of the submission was so very much that within all lands, that that the spatial context. But, I mean, I can certainly reflect on this further and provide you

16:49

well, as much detail as you want, sir, but probably more than you Okay. Well, that's just the point. That's just part, let's just park that for the moment. Just want to go to the compulsory acquisition schedule. So. So whether it's whether TP is ca or not, you're you're effectively saying you've got the consent of the interested, affected parties anyway. So it's kind of makes no difference. What the conclusion of that is, then, in effect is what you're saying. And

17:28

that's, that's right. So that yeah, parties. I mean, being blunt. parties that affected already have the burden on the existing gland. And they are happy for that burden to be moved slightly to the south. Yeah, like what's the benefit in a cadence or syringe involved as well? Clearly, it's all of if I can use the phrase utility for cadent to be able to recreate what they have at the moment and deed it it's largely imperative for them to be able to do so as I say, so the leasehold and freehold owners, they have the burden at the moment we are essentially replicating exactly what's there already.

18:11

Okay, so can I just in the compulsory acquisition shedule entry 34. There are two named persons with an interest in plots five B, five d and five G. On page 16

18:32

I see that it's Mr. And Mrs. Adams. Yeah,

18:35

there's question only one of these names appears against these pots in the book of reference. Why is that?

18:45

Because it is any Mr. Adams that is the registered freehold sorry, leasehold proprietor on the title Mrs. Adams does not appear on the title.

18:57

So why is Why is why is that name against that plot in the compulsory acquisition shedule

19:10

I can't answer service I didn't provide the the CH or my myself I suspect you know clearly Mrs. Adams is I assume the spouse of Mr. Adams so I'm just checking the proprietorship register does indeed in relation to the leasehold interest only referred to Mr. Nigel Adams I'm afraid I don't have the detail as to

whether Mr. And Mrs. Adams do jointly farm or whether it is only Mr. Adams to be regarded as as as as as an occupier.

19:49

That I don't know. Okay, maybe you can look into that because show them some of the names match up on the combo stretches and federal additional names and those in the book of reference.

20:06

I can see the strengthen your points. I would say that the cha ching is obviously probably not even a certified document. It is a document of record, and Bratton may want to contribute, but I, it may well be when he meets Mr. Adams he meets Mrs. Adams to I don't know. But it doesn't seem to me that the CIA schedule whilst is obviously very, very useful. Is it out of record and is not going to be certified document?

20:36

Right. Okay. But it's useful for me in Oh, absolutely. And it's useful to have it

20:43

as accurate as possible. So yeah.

20:47

Okay, so in that case, moving on from that. So you've informed me in your change request that having further investigated some of the parties previously identified as having an interest in plots five, one, B, five, one E, and five, one G, do not actually have an interest and have therefore been deleted from the relevant parts of the book of reference, albeit that they appear to remain for the other five one plots. For whatever reason, that may be

21:24

I sorry, so I know I shouldn't interrupt. But I mean, if it would help I can explain. Explain to the extent I can, so I thought it would lead to more confusion. If we took them out. I suspect, if we had been pushed to or pushed to the side, either way, we would have taken them out, sir. But I thought it was better to leave them in because I just don't want to set particular hairs running if people suddenly feel they're going to be excluded. To be blunt. So the the approach that has always taken a book of reference is that if in doubt, put people in and it is better to get the party to prove their claim for compensation or not. In due course, one doesn't want to miss anyone. So we have not gone through the fine tooth comb every other entry of these these central parties. My suspicion is they probably do not have an interest in land. In fact, how we propagate beyond suspicion, what I did not do, sir, is go all the way alongside plot five, one, all the way over to towards blofield. To check whether those interests coincide with the Borderlands elsewhere. I just concentrated very much in the

22:39

if there are some in there's no harm to have them in, even if they don't have an interest, but it's important to have the ones that definitely don't have an interest in the plots we're looking at. Out.

22:52

Exactly, sir. Right. Okay. So put it very succinctly.

22:56

I just on that point. I also note, and notwithstanding what we talked about with the compulsory acquisition schedule. Note that the land interests, although they've been removed from the book of reference, they still are showing as having an interest in plots five, one, B, five on a and five on G in the CA schedule. So is that just an oversight, and that that that can be amended to reflect the updates and proper reference?

23:32

Yes, I think that's a very good way of putting it. My apologies for not having spotted it.

23:37

Let's Okay. Moving on then. So with regard to the parochial church council, the Norwich diocese and board of finance limited. You identify the interests are restricted to land edge yellow on the title plan as justification for their removal. Yep. Correct. Yes. Okay. So there were other interests being shown previously, which were British gas, liquid and Burling and parish council and unknown. So I'm just wondering where have you provided justification for removing those other previously identified interests? In your change request?

24:37

Forgive me, if I've, if I've missed the point. I'm big, I think is I mean, essentially a reference to the either not privatised or soon after privatise British Gas Company that became national grid gas And then we'll split between National Grid gas and so became cadence. Yes. So there are actually that. So there were two national grid companies, gas companies. I think one was PLC and the other was distribution limited. I can obviously provide more details on this. But essentially, it's a cascade and that British Gas interest is cadent.

25:26

Okay, right, though, right. I think I understand that. And the other two, so

25:35

the unknown. I'm struggling to remember where it was now but it wasn't here.

25:44

Linwood and Burling and council I struggled to find within did it's very small area of access onto I think from from the church carpark on to lingwood room knows the church laying there I think so. So I can't remember the name of the row just now. I can if need be highlight on the deficient site the final plan I can provide an indication of where where that interest is. But it's it is a small right of access. And it is a long way away from the land that we're talking about at the moment.

26:20

So okay, a view is whereabouts in your change request document. Does it talk does it does it say that opposite doesn't it?

26:30

I thought it did if you're telling me it didn't say that.

26:33

I'm not saying it. I'm saying I can't I can't see it. I'm not saying it's not there I'm just asking you if you could direct me to that

26:48

will be yes, I can see so I didn't mention it. So for the council sorry that the yes the parish council its entry number 34 So that's page 16 of the document

27:26

all right. So so in the local reference where it talks about in respect of rights is contained within the transfer date and 20th of April 1925 and in respect to REITs as contained within a transfer dated 21 July 1989 Does the nighted states nine just Trump that lighting 25 Is that how it works is that we've not mentioned the 1925

28:23

I'm sorry, I'm afraid I'm now struggling to remember the 1925 reference.

28:30

So perhaps have got access to the book of reference trapped version

28:42

not immediately so I can let me have a look

29:03

So on page 613 for example.

29:09

Thank you Sorry, I

29:11

have the track version at the very bottom. You can display it if that's easier.

29:52

Many less on there now So I, I don't know about the 1925 transfer, I have to say that he doesn't appear on the title I'm afraid without those that put the book of reference together. I'm not able to answer. Satisfactory, but I'm afraid I just have to take that away as an action. Appreciate it as an urgent one

30:49

I wasn't sure whether the weather the 1925, or is updated by the 1989 one or whether they're two separate? I don't know. Forgive

31:02

me, sir. I am getting updates as one can imagine. Staggering if you want to come in about the age of 25 transfer.

31:23

So I'm Stephen Dagg from Womble bond Dickinson,

31:26

Molly.

31:29

I'm not sure that I can answer this question on Mr. Guyatt. Quite right. I think this is something we're gonna have to take away, unfortunately.

31:37

Forgive me, I thought I thought we had the silver bullet as it were, but I can see that's not the case.

31:46

Okay, if you okay, if Yeah, well, we'll we'll put that as an action.

31:50

And that we will, sir. Thank you very much for that.

31:53

And then the unknown. Can you direct me? Can you direct me to the whereabouts that is? Address?

32:08

Short, the short answer is no. Because I simply don't understand why it's there. Having looked at the title and without the person who compiled the book of reference here to answer Ah, it would be wrong for me to speculate, sir.

32:37

Okay. So I suppose you can see.

32:49

No, I absolutely. So, I mean, this is clearly very urgent action for us to deal with as swiftly as we can for the obvious reasons. Okay.

33:00

Just a question. Just from my, for my interest quite, why was the location of the gas pipeline selected? Where it's going rather than say, immediately to the south of the proposed a 47, for example, say under the access track, footpath that you're proposing?

33:21

Probably not one for me to answer. So maybe that there's may or others would, I would expect, it's all about having a safe working distance. But that is speculation on my part. It may be the Miss may wants to join in all or someone else and confirm to you, sir.

33:40

I see. So I'm on behalf of the applicant. And the only reasons off the top of my head that I can recall is to be Southpaw perform. And it was it was avoiding the properties there. I can probably come back in writing to give you a fuller response on it. The full rates. He was to avoid that predominantly.

34:03

Right, but it was there. Okay. And it probably, you could have a gas valve where a footpath and an access track is either could you, I guess, because

34:13

it's a fenced off area. It is a separate Yeah, the compound itself will be a fenced off area. Right.

34:21

Okay. Yeah. I mean, perhaps if you could just respond to that. That would be that would just be useful for me to know. Yeah, no problem. Thank you. Further question. Would any existing infrastructure between the existing and proposed block valve sites need to be removed? There must be some underground north to south infrastructure. But what happens to that?

34:54

So it's probably again, speculation on my part, but I think the north south infrastructure Everything's just where it is. And I'm afraid I think I don't know how gas pipelines connected up in this way.

35:08

Because I guess anything to the north of proposed one would be redundant. But if it's not,

35:17

we may. So I thought someone else might be yes. Mr. Dagg might be able to help but I, as I understand it, so in Mr Dagg we'll need that correct to me. The north south route just remains as it is where it is. And we're just moving the the intersection that the crossover south and beyond that, I'm afraid I I am already speculating. But I certainly speculating, saying anymore. Mr. Dagg, I don't know if you can help me.

35:51

From Womble bond, Dickinson, I don't want to stray too far into speculation either. And it may, it may be that somebody can help from a technical perspective is on the call. My understanding is that the

north south gas pipeline is a T junction, at the moment that it comes north south and joins an existing east west. And so when the new operators is installed to the south, that north south pipeline north of where the new block valve site will be would be redundant. But obviously, the connection from the South would still have to lead in that's a degree of speculation that that's standing.

36:38

Well, that's that's what I thought would be the case. But I suppose my question is, does that infrastructure then just stay below ground versus and, you know, just redundant there.

36:50

So again, that's only we can come back in writing on I know that, that practice is sometimes to leave apparatus in place and sometimes to remove it. I don't know what the plans are in this instance. But if you need an answer, so we can come back and right

37:08

away, the only reason I ask is because it CRP is to run below the woodland of Lynwood community woodland at the moment.

37:19

Yes, we can come we can come back and writing. Okay.

37:23

Thank you. Thank you. And then just my last question on the change request,

37:30

is what what would be the implications? You know, we're not we're not able to accept it again. If we can't get this lung? The answers to some of my questions.

37:47

Thank you, sir. Richard Guyatt WVD. Clearly, so this is something that we have been thinking about, but didn't want to think about too hard. Now, we have a couple of solutions. I'm just the one you suggested, which we strenuously want to avoid, which is asking to extend time for the inquiry. The examination, we don't think we need to get there, I suspect. So what we would do is deal with this outside of the examination, and hopefully till the Secretary State, when he receives your report that everything has been resolved. Now that would require agreement, and it would probably require at least a positive indication from the district council that they would receive a planning application favourably, or, indeed, that they would consider this change as being permitted development. So I'm comforted that everyone who we think needs to be involved, certainly from the land side, is on board. And so on that basis, I think we would just say that we could deal with this point by other other process. Confidence, certainly land terms, and one would think it was one would hope also, in planning terms that this is not in any way a material obstacle because we can resolve it and you know, the direction of travel, certainly, in terms of negotiations with landowners is very positive. So we think we're okay, anyway, we would much much rather have it all dealt with here and now of course, as I'm sure you would do, so,

39:36

yeah, I'm gonna recognise this. This is frustrating, but obviously, I need answers to those. Those. Thank you.

39:43

That's fully understood.

39:47

Okay, does anybody else want to say anything on the change request matter? Okay, I'm saying no I'd say no hands raised. So I'll move on. So Agenda Item three, site specific site specific issues. I've got a few matters I wish Applicants addressed before I asked for a brief update on the progress of negotiations with affected persons. If I could just ask one of my colleagues to bring up sheet two of the land plans, please. Can you use it? Could you zoom in to the inset? inset of the top? Right? Yes, I can keep going. Okay, that's fine. That's fine. So I know I've asked this question a few times before, I just want to be clear that I'm getting the you're looking at the same thing that I'm looking at. So in that inset, there, there's a plot to 10, which is a long plot extending across the top. And then there's a it's like a kind of a triangular part, which is labelled to 10. Also, can I just can you just confirm again? That that is one one of the same plot. It's just an odd shape?

41:35

i Yes. So for now, I can confirm that is there is a very small gap that you that you can't see on the screen, just between the pinch point.

41:47

Yeah. Okay. Thank you. Thank you. And then there's, there are a number of unknown London trusts identified in the book of reference, whilst the applicant doing to try to further identify these interests? And are any likely to be identified? I'm sorry, could one of my colleagues take down the plant? No, thank you.

42:16

So I think if Richard Guyatt WVD that would have clearly been extensive research done. At stage six and 56 stage as well. Sign notices were put up for the unknown plots. If no one has come back yet. I'm not sure that we will identify no one else, frankly, I mean, to a large extent, so we've put the burden over to those who may have those interests. And, equally, as I said before, a little while ago, the unknowns tend to be put in on the basis of expediency, there may not be any interest at all. So it's just where we feel that we can't categorically be certain that interest may not exist that those interests will be put in. So to actually answer your question, so do we think anyone else will be identified? No, but clearly, we'll we will keep looking. And we'll keep listening. But we've not as far as I'm aware. So had any responses to our our various notices or

43:33

books or reference for number of alone? Yes, for the examination?

43:39

It is, it's, it would be more unusual to not have some. Okay.

43:45

All right. Thank you. Going back to the CA compulsory acquisition of shedule. I was just hoping you can explain why, Mr. Knight's, who I believe is, is here is not in the list. The bottom that the second list giving that he appeared at the last hearing, and has made submissions and also appears in the book of reference.

44:24

So it's Richard Guyatt WVD? I can't explain that. I don't know what the answer is whether Mr. Brattan or others may have a view? I don't know. It may be that it's an oversight. Thank you. Mr. Brattan.

44:45

Good morning. Good morning, sir. Steve. Brattan value of dealing on behalf of lands and valuation matters on behalf of the applicant. Mr. Knight is actually the forgive me I know Tim's on the call. The son of Valerie Knight And Tim is dealing with his mother's interests on her behalf. That might be the reason why his night his name is not actually fully detailed in your information, sir.

45:12

Right. They

45:19

say this second table is you've called it an objection. shedule. All right, where representations have been received, but I mean, representations were received, I guess. I'm not solely objecting to the CITP. But there are others in there who similarly made some representations not necessarily objecting. But I just want to understand, again, this list is, what this list is and why maybe some things were omitted from it.

45:54

Sophie May on behalf of the applicant, I can only apologise the the list was made of those that have made irrelevant representation or written representation. I had not added in people that made representations at the hearings, which I can add in. I hadn't hadn't thought did you say?

46:14

Yeah, I don't know. What is that? What would you normally do that?

46:19

Almost at the table was created MLB fall in the mix someone's first written questions to be added in, or why didn't? I'm still either misunderstood the requirement? myself say? We can look to have those in those if Yeah, that's it does seem appropriate.

46:37

Okay, thank you.

46:39

So it's Richard Guyatt W. BD, just just to add to what they said. You know, I think we'll take that away as an action. It's an include Mr Knights you asked what's normal? I'm afraid my experiences there isn't normal. It really does sort of depend on examination by examination approach. And I could see that we need to modernise this CH or we will do so sir. Okay, stay on the CA shedule.

47:09

In the first table, the sixth sixth column in the first table and the 10th column in the second table. If not, it's titled compulsory opposition yes or no. With regard to the SSI you say no. In all cases, apart from summary Se Na.

47:42

But well, I mean, this is with regards to compulsory acquisition rights, which is still compulsory acquisition is not. So I'm just wondering why what the point of that column is, and why there's an end off the sea.

48:06

I've asked the question.

48:09

And I can't wait to share the document if that would be helpful.

48:13

I have it. I have it in front of me. So it's up to you, of course, if you wish to share it. I am trying to understand myself and what that is about. I'm afraid it's a little while since I've looked at this. The question you asked about is acquisition, new rights. compulsory acquisition? Yes, indeed. So of course it is. As for that column, I'm struggling myself to understand what it what its purpose is. So can we take that away in this resume or others want to?

48:54

Because it's the same as a table 2123. So similar to the eighth column, I guess, you know, it's telling us what it is whether whether it's permanent, permanent and all rights, I guess, temporary or just some writes. Yes. I just wondered if there was a reason for that column is

49:22

the other column. Yes, I understand the question, and I'm afraid I didn't know the answer. Okay.

49:29

Well, perhaps we can probably vote for you, if you

49:36

and then

49:38

are you able to now just provide a brief update on the progress of negotiations with affected persons and the timetable for their conclusion?

49:49

Good. Good morning again. So it's Steve Brattan. District, valuer, dealing with all ones and valuation matters on behalf of the applicant. Since since the last hearing when we spoke this We are progressing rapidly. All landowners have been communicated with some agents we are chasing down to instigate discussions for agreement. We have now got two into legals and progressing quickly one of the larger landowners Norfolk County farms, we're very close to a fully agreed heads of terms. And that was as of yesterday other landowners are talking to us discussion so progress is very good from my experience, sir. timescale wise, I 25,060 \$4,000 question but we are hopefully going to particular neck out here probably three to six months, we should be tying everybody down to agreements. So that's the kind of process we're going through obviously, some landowners won't talk to us because it's about issues of value. And they have a technical point that might just drag on the negotiation sir. But progressing very well from from my side of things in my experience.

51:01

Okay, so it's not like you're not going to get agreement by the end of the examination let that continue.

51:08

My attempt my attempt is to do that so with my team and myself are working rapidly towards that there are a few scheme details that need to be ironed out where some landowners just need to know the finer detail of the scheme. But we are we are trying to do options with them saying if this scenario or that scenario to try and so they know exactly where they stand on on either side of the the details or to come out so we are progressing quickly so the aim is to get everybody tied down but the people dragging on I'm afraid

51:36

okay, just bought one so entry number 12 on the compulsory acquisition shedule that effect person came to the open for hearing this morning.

51:53

Miss Jones Yes. We've instigated talks through the agent of Miss Jones who is Mr. Chris bond Bidwells we have in terms of the land interest that she's that she has he has he has quite a few easements and some little temporary lamb take around her land the issue of the the transport coming through the field is evaluation matter sir the effect on the value of that field to her to her worth that is in the conversation that we're having with the agent and that matter is progressing and I Miss Jones has has her opinions on the on the the the use of the Labour etc. But we are talking to the agent on the basis that whichever way the decision is there we are working towards a heads of terms and agreement.

52:36

Right so the objection is not specifically to do with the components. It's not

52:41

to do the valuation so we can we can we can we can value engineer a solution in terms of the correct compensation. But in terms of it's more a technical matter of scheme design that Miss Miss Jones is more relating to as you probably heard this morning.

52:54

Right. Okay.

52:56

Is that clear, sir?

52:57

Is that helpful? Yes, that's helpful. Thank you. Thank you, sir. Okay, that's all I had on that. Agenda Item. Does anybody have anything they want to speak about on that agenda item?

53:20

Okay, in that case, I'll move on to Agenda Item four, which is site specific representations by affected persons. We don't have any with us I understand. Is that still the case? going to stick with Miss Allen

53:43

I believe that to be the case.

53:45

Okay. Thank you. In that case, I'll move on straight on to Agenda Item five which is that's really takers land issues

54:00

so first of all, the book of reference includes a number of stature Undertaker's with interest in land. Just have any others been identified? Since the most recent version of this document?

54:13

No, sir.

54:15

Okay, can you then just summarise any outstanding matters arising from representations by such speakers? So, I think we've had two representations by cadent. Gas limited and Anglian Water Services Limited.

54:34

Yeah, so it's to some degree, I'm in your your hands here. Because this particular item on the agenda is one which which cuts across other items. So, you know, in terms of protective provisions and the request for change, I mean, very, very briefly in terms of the the represent tations which have made been made, we obviously have one statue Undertaker who made a rather than representation, which is kaitland. That representation was essentially to secure that protected provisions. We have agreement as to the form that those protective provisions will be in. And we are moving towards. Yes, we have

agreement on precisely the terms with cadent. It's just a matter of putting putting the ink and on the signatures of an agreement with cadent. Now, the other issue, of course, which they had was the the change request, which we've we've discussed already, and I think we will be discussing in this afternoon's hearing as well. The second study Undertaker, who has so far made representations to you is Anglian Water, of course, the deadline to in that representation, they set out 12 issues, which they wanted to discuss with with the applicant. And those 12 issues were issues, they wanted to pin down in or revise certain protected provisions of the 12 issues. Three remain outstanding. I can either highlight that, highlight what those issues are now or I can do it in the afternoon session, sir. And I'm in your hands on that.

56:35

Yeah, maybe maybe there would be a bit of time. Left. Yeah. Okay. So maybe we will leave so it's afternoon unless they turn up.

56:46

Okay, so very briefly, the issues this sees between us are, well, this is what your leftover are what they described this as the application of the roads and street Works Act and where it applies. It was item to item nine, which was the the costs that Anglian Water may have to pay. And I'll explain a little bit more about these in a moment. Point 11 was the processes for exchange of documentation. Those are the Outstanding, outstanding matters. Very briefly, to add a little bit more detail on to that. The The first issue is paragraph 81 of the protective provisions. Were angling water, don't consider that the wording is clear. And that is wording which which refers to the protected provisions applying where the new roads and streetworks Act doesn't apply. The applicant considers that that wording is clear. And that it is it mirrors and replicates. Firstly mirrors and replicates part one of sheduled nine, which is the general protect provisions for the protection of gas and water Undertaker's. And secondly, it's well precedented in other orders. So I think what angling water are looking forward to departure. Our view is that departure would make things less clear rather than more clear. The second issue between us is paragraph 88 For subparagraph five, which is a provision known as deferment of renewal. So Anglian Water considers that if if they have to, if they have to contribute towards the scheme in terms of that affirmative renewal payment, that they would be funding part of the scheme. Again, from the applicants perspective, that provision mirrors part one of schedule nine, and it's well precedented in other orders. And the applicants view is that if Anglian Water is provided with brand new operators, and that deferment of renewal provision isn't in there, that the applicant will be part funding on green waters asset renewal programme.

59:24

The third issue is on paragraph 90. And finally, see, I should say is on paragraph 90.

59:32

And that is the angling water would like a reference to how is England using what they describe as their established procedures. The established procedures they're talking about something called the call their inflow system, which is a system an online system for making applications to them for works The applicant has concerns about using that system on the basis of negative experience of using it on other occasions for other schemes and the system doesn't fit in with highways England or the way that

highways England works and needs to work it It includes kind of a sequential process it requires effectively an individual login rather than a project login. So, that that that in brief summary is the season two between us dangling water at the moment, Anglian Water has asked for a statement of common ground to be prepared and submitted to use at deadline seven that draft a draft statement of common ground is now with Anglian Water for review. But the little bit more detail as to you know, precisely the issues that have between us and each side's case will be set out in that in that setting to Common Ground deadline seven.

1:01:09

Okay, and you expect this to be concluded agreement reached by the end of the examination.

1:01:17

So, we are still talking to Anglian Water, and we are still negotiating with them and listening to what they have to say. It may be the one or more of the issues that I've outlined will fall away by the end of the examination. I don't think that all of them will, though certain, I suspect that I suspect that the deferment of renewal provision is one of them, that almost certainly won't.

1:01:51

Right. Can you can you put all that said in your next submission of the sexual 1271? Document, please.

1:02:03

So we can we can we can mirror or summarise what's in the stapler common of common ground into the one to seven submission?

1:02:14

Okay, and they are the other statute Undertaker's sort of some of those also asking for bespoke protective provisions or they're not.

1:02:24

Yes, sir, if you just bear with me? Yes, I think I think with that there are two other other people who we are talking to at the moment. The first is Virgin and I virgin submitted. When we wrote to Virgin about the Protect provisions, they submitted to us one of their standard responses about about works licences. Instead of responding as to whether or not they were happy with sheduled 9.1, we are continuing to chase virgin and tried to get them to confirm that they either are or aren't happy with the protective provisions that are in the order at the moment. As things stand, we're not getting a response from them. So they haven't made a representation to you. So there's nothing really in front of you to cause you concern. Of course, you can take comfort from the fact that the part two, it's the part two of shedule, nine standard protected provisions will be in place to protect them. It doesn't look to me, given the lack of response so far that we are likely to hear from them before the end of the before the end of the examination. So

1:03:53

Right. Okay. clewd all that as well in the statute, Undertaker shedule that'd be very helpful.

1:04:01

Yes.

1:04:02

Does with this change request? You know, should I not be able to accept it again? Does that well that alter the protective provisions that's all or does it not impact on that?

1:04:19

No, so it shouldn't affect affect the the practice provision say they don't really deal with with the same with the same ICS okay. So that sorry, so the the the final Undertaker who were in discussions with is is Vodafone Vodafone, we are we are discussing with the misuse around the recovery of costs and carrying out the emergency works for at present so there isn't a you know, there isn't An objection in front of you. Those discussions are ongoing and are continuing.

1:05:08

Okay, thank you for that update. So we haven't got we have no, there's no statute takers who have joined us, is them as I learned in the last half an hour. So now we've had nobody else join. Okay. Thank you. In that case, I'll move on to dendrites and six, regarding crowland The updates a lot.

1:05:42

So we continue to meet with government legal department to administer the consents. I think as I said last time that acknowledge that this scheme is in examination, and is coming towards the end of examination. And they've acknowledged that it's urgent that that consent is given. We don't anticipate any problems with the consents it should just be a purely administrative exercise, and we are still expecting consent to be obtained before the end of the examination.

1:06:19

Okay. Thank you for that. Thank you. So. Um, so Agenda Item seven. I think what I'll do is I'll issue just a list of the actions that we've discussed. Probably for all the hearings together, as soon as possible. I think that's probably the best thing to do. But no doubt you've made a note of those, also, Mr. Guyatt.

1:06:58

So we have I have, I'm also pleased to say if you don't mind me saying that I've identified the rogue 1925 deed. Whilst I was obviously listening to Mr. Dagg intently, I was also looking at the title, the reference, and I'm so sorry, it required some digging around, but if I just say, tell you where to find it, so no need to go through it now. But it's on page 14 of the revised change request where we're running through Norfolk County Council's title, it is entry number 82. That refers to the 1925 deed. So and that's actually not a burden but a benefit to the title. So frankly, it should never have been in the book of reference, it's it's it's to Norfolk's advantage, not a disadvantage. So it is not an interest in land that needs to be sheduled. Sir.

1:07:51

Right. So the related to leeward, earlier, parish council, but you're talking about the county council was can you just explain that? Yes. So

1:08:02

the burden is on the parish council and the benefit is with the freehold owner, the county council. So it's not a matter affecting the title. It's it's something that is of advantage to the title not burdening it, if that makes sense. So the enforcing party as it were, would be the county council the landowner. So it's it's not creating an interest in land in the County Council's land, it is a benefit to the County Council's lead. I can explain that in writing. So if that helps,

1:08:33

I think it would be really helpful because no way to doesn't mention the notes and parish council you have. So what I'm looking for is an explanation of that particular why that London dress was originally identified and why it's been why it's now been removed. And I'm just looking at a two it doesn't really told me that information. And while

1:08:57

I appreciate that, yes, I'll set it into writing.

1:09:02

Okay, thank you. So that's right. So that's hopefully just if that's right, then it hopefully just leaves the unknown interest. Is that right?

1:09:26

Yes, it is.

1:09:29

Right. Okay. And when you do look at the unknown interest, if you could look at all of the dates, there's are a lot of sight along that like with the 1925 9989 when we just looked at so they don't miss miss anything. Appreciate it, sir. Thank you. Yeah. Okay, thank you.

1:09:56

Right, in that case, I'll move on to any other matters. Before I draw the meeting to a close of any of the matters that I would like to raise around compulsory acquisition or temporary possession

1:10:17

Okay, so say, no hands up so in that case, I'm going to move to close the hearing. Thank you for sending this hearing today and sharing your views on the application. I'll consider what you've said in examining this application. A digital recording of the proceedings today will be made available as soon as possible. On the project page was national infrastructure planning website. In addition, our requests that you submitted writing the points you've made here today for the publication on the websites, and that includes addressing the action points. And the deadline for these will be deadline seven Thursday the 28th of November. The time is now 1241. And I confirm that this compulsory acquisition hearing is now closed. Thank you