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Wed, 6/9 11:40AM • 1:26:04

00:01

Good morning, everyone. Can I just confirm that everybody can hear me clearly please? Yes. Can Hear You clearly.

00:13

Thank you, Mr. Gleeson. Can I also confirm with Miss Patten? That's the live streaming of this event has commenced? Yes. Yes. Speaking of that, I think Mr. Pinto Thank you, Mr. Patten. For those people watching the live stream Can I also advise you that should we at any point agenda proceedings this morning, we will have to stop the live stream in order to give us clear recording files. As a result, at the point at which we recommend the meeting and we started the live stream you will need to refresh your browser page to view the read started stream or remind you of this again should we need to adjourn. The time is now 10 o'clock and it is time for this hearing. To begin. I would like to welcome you all to this third compulsory acquisition hearing for the application made by Highways England for the A1 in Northumberland. Morpeth to Ellingham. Development proposed comprises two parts with Part A being the widening of the existing single carriageway to a dual carriageway for approximately 12.6 kilometres of the existing a one between Morpeth and Felton. It includes approximately 6.5 kilometres of online widening in 6.1 kilometres of new offline highway. Part B involves the widening of the existing single carriageway to a dual carriageway for approximately eight kilometres of the existing A1 between Alnwick and Ellingham. Thank you for attending this virtual meeting. My name is Andrew Pinto, and I am a chartered town planner in planning Inspector employed by the planning Inspectorate. I have been appointed by the Secretary of State to be a member of the panel for the examination of this application. I am now also going to ask my fellow panel member to introduce himself.

02:14

Good morning. My name is Kevin Gleeson. I too am a chartered town planner. I'm a planning inspector employed by the planning Inspectorate have been appointed by the Secretary of State for housing Communities and Local Government to be the lead member of the panel to examine this application.

02:31

Together, we constitute the examining authority for this application and will be reporting to the Secretary of State for Transport with a recommendation as to whether the development consent order should be made. We are also joined by Candice Patten, who is the case manager for this project in by James Bunton and George Harrold, who are the members of the case team. This meeting is being held on the Microsoft team's platform and is being live streamed. In order to minimise background noise, can you please make sure that your phone is switched off or turned to silent in that you stay muted unless you are speaking? If you wish to speak at a relevant point during the hearing, please use the Microsoft team's hands up faction. And please wait to be invited to speak. Can I also remind people that the chat function on Microsoft Teams won't work. So please don't try and use this to ask any questions or post

comments. Please speak loudly and clearly. If you don't manage to speak at relevant point in the agenda, there'll be other opportunities at the end of the meeting for you to do so under item six of the agenda and any other items any other matters apologies. Because the digital recordings that we make are retained in published they form a public records that can contain your personal information into which the general data protection regulations applies. Consequently, if you participate in today's hearing, it's important that you understand that you will be a live stream in recorded in that digital recording will be published. If you don't want your image to be recorded, you can switch off your camera. We will only ever ask for information to be placed on public record that is important and relevant to the planning decision. If you feel that personal information is necessary, please provide this in a written document that we can redact before publication. Does anyone have any questions with regarding to these matters so far?

04:49

I'll take silence as acceptance so I shall move on. The purpose of this examination is for the examining authority to examine the information submitted by the applicant interested parties and affected persons. As a result, we would like to be sure that we are familiar with the documents that you have sent in. So when answering a question, you don't need to repeat at length, something that has already been submitted. If you want to refer to information already submitted, we would be grateful if you could give the appropriate pins exam National Library Reference. As already mentioned, each time you speak, could you introduce yourself please. And also introduce in mention if you are representing someone who they are, as this is a public examination, even if you haven't indicated that you wish to speak, if there is any point that you want to make, please feel free to indicate that it's relevant time in that you wish to contribute. The hearing today will be a structured discussion, which will be led by the examining authority based on the agenda that has already been published. The purpose of the hearing is to enable you to answer any questions that we may have to ensure that we have all of the information that we need in order to make our recommendation to the Secretary of State. The agenda for this compulsory acquisitions hearing was published on planning spattered national infrastructure websites on second of June and it may be useful to have a copy of this at hand. You We will also share now on screen the key headline items included in the agenda. If I could just ask to bear with me for one second. The agenda should be appearing now on your screens, and substantive items on the agenda are as follows. Under item two, we will consider site specific issues to be addressed by the applicant. item three will cover site specific recall representations raised by affected persons. In other item four, we will consider any statutory Undertaker land issues as well.

07:20

I'm just going to stop showing the agenda now. Apologies I'm just having some difficulty now. Our will continue if everyone can hear me clearly. I will continue with the agenda on disk screen. For a while longer, just bear with me for a second. We'll seek to allocate sufficient time to each issue to allow its proper consideration. We aren't expecting that matters on the agenda will take too long to address. But if we do need more than an hour and a half, then at completion of its of its of each session, it's around 1130 we'll have a break of half an hour before resuming at 12 o'clock in continuing if necessary until one noting that we have an issue specific hearing for do to start at 2pm today as well. But we will however be flexible about this timings will conclude the hearing as soon as all relevant contributions have been made in all questions asked responded to. We've already had two compulsory acquisition

hearings before and asked a number of written questions. So today we want to be pursuing matters where we have been that have been satisfactorily addressed previously. Are there any questions at this stage about the procedural side of today's hearing or the agenda?

09:43

I'll take that as now Thor will push us forward. So I will now like to take the names of those who wish to speak at this hearing. And please do not forget to state your name in who you represent. Can I please start with the day applicant.

10:09

Good morning sir. As you know my name is Howard Bassford. I'm a solicitor and partner law firm DLA Piper and I act for highways England. Other people would be include Mr. Mark Stoneman, who is the project manager from highways England. And Mr. Paul Hine, who is the district value valuation office agency? Should it be necessary to introduce other people? We will do that at that time. Thank you, sir.

10:34

Thank you, Mr. Bassford. Can I now, ask for Northumberland county council to introduce themselves.

10:43

Thank you, sir. My name is Katherine Robbie, I'm a senior town planner with Northumberland county council. I don't expect to need to speak today, but I'm just here. In case there's any questions for the council.

10:55

Okay, thank you very much. Miss Robbie. Can I also ask now other people that have actually expressed a wish to speak and would like to introduce themselves? Can I start with Mr. Moor? Yeah, good morning. Probably don't need other need to speak today. I'm just listening in. Okay, that's fine. Thank you very much, Mr. Moor. Mr. Hawes?

11:31

We are good morning. Yes, certainly. I would like to reserve the option to speak if that's necessary. Thank you. Okay, thank you very much. I also believe that we have Mr. Benson with us.

11:52

Yes, Mr. Benson is here. He's would reserve the option to speak as well. Okay, thank you. Miss Mr. Davison. Yes. Okay, Mr. McDonald.

12:14

Hello. Yes, I'm acting agent for Mr. Davidson. Alpha. Mr. Okay. Thank you very much for confirming that. Mr. Fell

12:29

Good morning. Yes. Louie fell from proptorpe consultancy, acting, Pathan overlanders occupies on the Alnwick to Ellingham stretch.

12:40

Thank you very much, Mr. Fell. And I believe that those are that completes the list that I have with me. Is there anyone that would like to speak or reserve the option to speak that I haven't asked to introduce themselves that is with us on the line. Mr. Bruce?

13:05

Yes. Good morning, sir. Thank you. I had for a number of landowners on the Morpeth to Felton section. I don't at the moment anticipate contributing but we'd like to reserve the right to do so please.

13:17

Okay. That is absolutely fine. Thank you very much, Mr. Bruce. Thank you. Anyone else besides Mr. Bruce? I'll take silence as no so I'll move us on. So this addresses the first item on the agenda, which is welcome introductions and arrangements for the hearing. Are there any questions of an introductory or preliminary nature that you would like to ask now?

13:57

I don't think that anyone would like to ask any questions. So I am now going to pass over to Mr. Gleeson to lead on item two of the agenda. Mr. Gleeson?

14:12

Thank you, Mr. Pinto. So item two on the agenda is site specific issues with the applicant. And throughout this hearing, it may be useful to have to hand copies of various documents. The key documents are listed in the agenda. And briefly, they comprise the book of reference funding statements, statements of reasons. Updated compulsory acquisition schedule section one to seven statutory undertakers lights land and rights schedule section 138 statutory undertakers rights and operators schedule temporary possession powers, draft develop consent order land plans, work plans and general arrangement plans and if we do need to to refer to any of those specifically, I will give as much notice as possible so that people can prepare. In addition to those documents identified in the agenda, we'll also be referring to the North Gate farm private means of access technical notes, which was submitted at deadline 80.

15:27

So agenda item two says, The examining authority or xA, will ask the applicant to provide a brief update on the progress of negotiations with affected persons, or IPS. And the timetable for conclusion. The examining authority may ask questions of the applicants about matters arising from written and oral submissions.

15:58

So the applicants written summaries of all submissions to hearings, which was rep six oh 44, addresses compulsory acquisition noon to page 24, that may be useful to refer to as well. Can we begin by asking the applicants to confirm any changes to the book of reference, the latest version of which was revision for submitted a deadline eight? rep eight, double o seven. Mr. Bassford.

16:29

Good morning, sir. Apps, apps this stage, I don't believe we have any changes of reference, which have not already been telegraphed to you. I will check that and of course, we will confirm in our note of the hearing if there are any changes, but my belief is that there aren't any changes.

16:51

That's great. Thank you very much. So next, could the Applicant explain the changes made to the statement of reasons latest version of which was revision two submitted a deadline five, which was referenced rep five to blow eight and change request version? Rep. 536. can just brief comments, please, Mr. bassford.

17:25

Sir, I'm just turning that up. If I if I just run through those, these are I believe that associated with the with the change request, they'd be looking at a clean version here. So I may not be able to see them. But essentially, they demonstrate the University of the land required for the change request. And that is the the key of I think they're looking at a clean version despite not seeing these seconds. You had read? 048 I think 6 048 or 5

18:08

references I had to read 5 00 8 and 5 036 so the second one was the change request version? I personally I'm not aware of any major changes, but I'm I have not either just the change request elements

18:26

that I believe that that is that is the long the short of it. So I know you're not asking me this to catch me out but certainly not. Not today anyway.

18:42

37 is the tracked version of the change request and so just Yes, that is exactly what they are. So they are picking up the changes required as result of the change requests and it explains why there are there are additional parcels either side of the river Coquet that are needed in order to ensure that the works that's a describes the change request and the stabilisation works in the South Bank access works can all be taken undertaken in those locations.

19:16

Thank you. Okay, let's then move on to the CA schedule itself, which is the updated shedule is at rep eight. So 21 which is the clean version and rep eight oh 22 which is tracked and the lights go through the shedule almost line by line, this point in the examination. So this shedule shows the current status of negotiations with landowners. A range of progress is identified and they'd like the applicants Provide a general overview and then comments on each individual case in turn, as we've done before, and specifically, I'd like an indication as to whether agreement is likely before the end of the examination, how the discussions are progressing, the current expected deadlines for conclusion, and any issues where there's a problem. And then again, As with previous ca hearings, I invite affected persons to respond to any of the applicants comments under the next item. So if we can go through that list, that'd

be helpful. What I would say though, this point is, if we could put items eight, which is Mr. Hawes' property, and item 13, which is Mr. Davidson's property, if we could leave those until the end, I think there will be more discussion than some of the other sites. And we'll have that discussion in the context of the deadline at a submission on access. So, yes, if you could start Please, Mr. Bassford. Item one copy,

21:19

of course. Yes. Now, this will be a matter that I suggest we undertake with Mr. Hine, who the valuers the principal negotiator on behalf of the project and I presented with the affected persons. The What I can say is that in line with the guidance of the Secretary of State, for Communities and Local Government, negotiations are being progressed in parallel, that that progress is being made. In almost all cases. There are some thorny issues and you mentioned Mr. Hawes, Mr. Davidson, where there are matters still to be discussed. But in most cases, Mr. Hine and his team are making progress in discussions with their opposite numbers. And we expect the binding agreements to be entered into in due course, if not during the currency of the examination, and housing them will endeavour to proceed by agreement rather than compulsion wherever possible. Mr. Hine Would you like to just reintroduce yourself and then to assist Mr. Gleeson and Mr. Pinto by running through the progress? And I suggest that where there is a particular matter, we we pick that up avoiding items eight and 13. But just generally if there's any movement since this was submitted at deadline, five to get certainly eight. Thank you.

22:57

Good morning, Mr. Gleeson. So yep. I understand you want to run through line by line?

23:04

Effectively , some repeats? Yes. On each case individually. Thank you. Absolutely. So

23:09

we can start at number one. Clark is agreed, obviously, that's with solicitors at the moment as is number two ions. Heads of terms have been agreed. And it's currently with solicitors for the formal process. Brown don't get and Claire Hugh are the next three. They are also now agreed heads the terms have been signed are now returned. And the report surgeon has been now issued to the to the legal team to begin that process. The next few Mr. Mickey of George Jeff white his clients. There's a whole range here. I've received some of his claims. Not all I have received claims for Dobson, Armstrong and Givens. I have worked through those valuations and responded. We are almost there. There are a few minor value issues which I've gone back on for clarification. I spoke with Mr. Mickey on Monday. And he advised that the other claims are almost prepared. He's meeting one of the clients today and expects to submit them this week. Similarly, we've already had a discussion on evaluation framework. So the the should be very minimal issues to go back on when I do receive those valuations. And I expect agreement to be relatively quick on those. Obviously, the exception there, as we've already discussed, this is Mr. Hawes that's one of Tim Mickey clients. Thank you. Moving down to the next So next is me Davison obviously will park that one for now. Number 13. I then move on to item 14, which is the start of Graeme Bruce has clients who we who we have online today. So we've had a number of discussions, valuation discussions began to develop that framework. We've had an

exchange of offers. I met on site with Mr. Bruce last week for one of the clients. And we've arranged a call actually for this afternoon to try and bought them out those agreements, I've gone back with counter offers, and we need to try and just try and finalise those agreements. The one exception there is middle house, which we've discussed previously in the house developments. The issue there surrounds the the planning status as to whether it's extant or not. We the applicant, have taken advice from Northumberland County Council have confirmed the planning is not extent, Milhouse developments believe the planning is and have sought advice to that effect. So the issue then falls down to value. You know, the difference of a site with planning and without planning is potentially different. So discussions will continue there. And perhaps Mr. Bruce may contribute later on on that if need be.

26:19

The point there, obviously, sir, is it is not for you to adjudicate as to value that's a matter if not agreed for the valuation for the land to travel to the upper tribunal. Yes, that doesn't go to the principle of acquisition or the scheme. Thank you.

26:38

Then moving down to item 19. This is Mr. Calture represented by James McDonald, who is on the line for Mr. Davison today. We've so there's been a lot of server works going on there, which has taken up a lot of the time as of discussions and and agree in those accesses. We're now in a position where we understand the layout of the junction. At that point, we've shared plans, and James McDonald and I can now enter into a more detailed discussions on on on the land take side of things and agree of value. I don't expect it to take too much time. I think now that we're fully aware of what the access road will look like, and the junction layout, we should be able to get that one resolved fairly quickly. Thank you. Again, 2021. Or with Tim Mickey, we've we've already covered those 22. We've covered 23 is agreed with the legal team for exchange 24. Henry, we have agreed the acquisition there, I've prepared heads of terms, they've just currently been signed by the applicant ready for issue to the to the landowner. Again, that that should be something that's it's sent out this week. 2025, again, is Tim Mickey. We then move on to 26 and 27, both represented by Richard Brown is Henderson and Scott. This is a we've had some some discussion so far on on valuation matters. And some of the land take we had a site meeting on the 10th of May, where Mr. Brown and Mr. Henderson suggested a little bit of a change to one of the land parcels which the applicant is currently considering whether that is viable or not. Once we get a decision on that we will then be able to progress the acquisition. Until we have that decision, we don't know which bit of land that we potentially want to acquire. So we will reserve the valuation until we get that decision.

28:48

Can I ask on that one? Would that be land within the order limits? Or is that at the end,

28:56

I understand that, at present the proposal is to is to take a parcel of land that was within the order limits. Mr. Henderson is a little concerned that land it's one of his better areas of land and he suggested an alternative, which may be outside of the order limits. Hence something that the applicant needs to look

at in terms of assessment and suitability. So we will we will come back to that as soon as we've been able to assess.

29:25

And so if that was to be the case, then the arrangements would need to be made privately outside this process. So if it required planning permission for the use of the relevant land, we would have to apply for that falling back on our powers. So we urge you to grant the powers and then we would derogate from the order in order to accommodate Mr. Henderson if we can come to an arrangement that suits him better understood. Thank you.

30:00

Yeah, and I think just to reiterate that that's the discussion that we've had with the landowner as well. They're perfectly aware that this is outside of the order limits and it would be an agreement outside of this DCO protests so we don't know yet know whether it's viable or not. We will only know once you've got that decision back Okay, thank you. We then move on to 28 Northumberland states will begin to Louis Louis Fells client, again, who is on the line? So again, we've had a lot of discussions we've we've agreed a framework of values for all of Mr. Fells clients. I think we are we are just about there. We're having some some more detailed discussions on the injurious affection and the severance element, which will allow us to then finalise the claims, and get some agreement, some heads of terms drawn up. I'm sure Mr. Fell will confirm I don't think we're too far away now. And I think these these should all be agreed, you know, with within the examination period, I would expect okay. The the one. So when we've discussed previously there, well, is the Beales, which is a little bit more of an issue. A bit a bit of a bigger that's the blight case. Yes, we've. So again, we've discussed quite a length, there is an offer on the table for the acquisition, which I understand is broadly acceptable. That hasn't been formally accepted yet. There are a few fine details that we need to discuss. Mr. Fell, I have provisionally looked at getting a meeting together next week, in order to talk about those finer details. We discussed previously on one of the hearings putting together a schedule of potential disturbance items for for Mr. And Mrs. Beale. that's currently being worked on. And, you know, again, if we can get a meeting next week, we should be able to to finalise that. So, although we still it still feels that we're a long way away, I think huge progress has been made since Mr. Fells appointment. And we're certainly a lot more confident in getting this one agreed and moved along.

32:19

As you can tell, thorough which the negotiations progressing and where we're in line with the guidance. Yes.

32:30

And I think that pretty much covers all all of the rest of them are all either Tim, Mickey or Louis Fell what you just said there at various stages of discussions. Yeah, so I'm not sure that there's any any more spirit unless you have any questions?

32:51

Yes, I think this one for Mr. Bruce there as well.

32:55

Yes. So that that falls into the previous discussion now that we've we have a meeting this afternoon, where we hope to be able to make a little bit of progress on those finer details.

33:05

Okay, thank you. That's helpful. So in summary, then and thank you, that's because you that in detail this time. So the 41 cases.

33:28

Only six of them have got signed heads of terms at this stage. Maybe this is a question more for Mr. Bassford. altered lights get a feel for is your degree of confidence at this stage of the examination about completing those agreements before the end of the examination. Is this way you expect to be just five months in or are you finding it more challenging? And if you could, quote, I mean, I certainly hear that progress has been made. What I'd like to understand this. Are there any cases where you expect that agreements won't be reached?

34:20

yet? Certainly, sir, I think certainly. Are we where we expect to be? Yes, I think we are about right. You'll notice that Mr. fell and Mr. Mickey, you have a large number of clients. You know, once we have those, those two, agreed, that is that percentage increases significantly. And the discussions we've had, generally in terms of the framework of values really will help that process. It looks like we haven't moved on from the previous hearing, because we're now working on those finer little details of each claim. Once they are agreed and I expect them to be agreed very, very soon. said Mr. Mickey's claims came through earlier in the week. I've responded on some very, very minor issues, some little tweaks that I want to see. I expect they will come back this week and we learn issue heads of terms. Similarly, for his other clients that come in, again, hopefully this week, within a few days, I should be able to respond on those and we should be in a position then to issue heads the terms Mr. Fell will confirm we are very, very close to agreement on on the vast majority of his clients. So getting those agreed we should be fine within the inspection period. My only hesitation is really sitting around Millhouse developments at the moment, because we are we are quite aware apart in terms of value. Because of the planning situation, I am reasonably confident as confident as I can be that the vast majority of the other landowners will be agreed within the examination period. As Mr. Bassford has already said, if they are not we will certainly continue beyond that. And these are purely marked as a valuation that we are discussing. These are not objections to taking the land at this stage we are actively engaging with with all parties on value. And that is where the issue lies at the moment. So I don't foresee that there being any any real difficulties with the exception of Millhouse developments.

36:26

Thank you, Mr Bassford is there something you want to add to that.

36:33

I would submit that in my experience, this is a set of negotiations in good shape for this, this stage and an examination. What is remarkable here is that all of the negotiations because agents are engaging in a consistent and constructive way across the project with us is that most negotiations are at about the

same stage. And what that demonstrates is and this one has to apply experience to as well, that demonstrates is that the negotiations are actually taking place. And that is what the guidance and the law requires. But I would add that even if all negotiations were to fall over at this late stage, our submission that has a compulsion which should be granted remains. And the test for grant of compulsion is failure of negotiation rather than success. But obviously, as Mr Hine I would say this is actually a case it's remarkable for the consistency and the advancement of so many acquisitions. Another point I'd say is that Mr. Hine and his opposite numbers are negotiating the values now, which means that in many of the cases these are these can proceed to right writing up the valuations rather than leaving valuations to be determined later, which produces better negotiations, where that can be agreed upfront. So it is in good shape. So, good. Thank

38:15

you. Okay, so then let us move on to the issue of proxies. Mr. Hawes Mr. Davidson. And what we have now, which was submitted deadline at is the North Gate farm private means of access options, technical notes. What I'd like to to begin with is the password to outline the position on alternatives and perhaps just provide a summary of where where things have got to on this. And then we can look at the alternatives to the submitted scheme. So it's alternative saying be difficult kind of blind me how things might move forward from here. And if agreement isn't reached, what happens? And then I will ask until next item, agenda item, we'll come back to the individual landowners themselves. Mr. Bassford?

39:51

Thank you, sir. So we will I will tell you the story as it were,

39:58

yes. Give us sort of prognosis as to how things might turn out. So, and I have my virtual post it notes screen open as well in case others wants to flag to me where where they need to intervene support. So, the two properties are effectively accessed from a single gateway at present from the southbound carriageway of the a one trunk road. And that access goes into the land presently owned by Mr. Hawes. And Mr. Hawes, this property is accessed first and then across his land, Mr. Davidson can pre lodge accesses his property as well. And so that that is the situation as it stands. Now. The proposal for the scheme is because the road will be a dual carriageway in that location for dual carriageway in that location. And because the speeds and safety do not allow that has to be provided a different means of access. And that is suggested to propose to be taken from the south. And then the private means of access in the application scheme would pass to the east of the various Warren has has properties. It would skirt the northern side of Mr. Hawes' land, the northern side Miss Davidson Davidson's land, and then it would effectively be the reverse of the existing situation. So access would be taken by Mr. Davidson. First, and then across his land, Mr. Hawes would take access to get to his property. Mr. Hawes has made representations to us and has said that he would prefer not to have to cross Mr Davidson's land and one could imagine for Mr. Davidson's point of view, that would be attractive as well, not to cross Mr. Davidson's land and would prefer to access his own land directly. And his suggestion was from the north of the, of his property, so he would pass. If he was driving to his home, he would drive up to the eastern side of his property, round up to the northern side, and then midway through it, he would turn left and it his property. And that is shown in the technical note on page number

four. And you can see the alternative route a there now, you can also see on that the red line, which is the area over which if you and the Secretary of State were to agree, we would have powers. Now, the point there is that we could provide the works up to the bell mouth there, which is where Mr. Hawes would turn left into his property. But he would then have to pass some metres overland, which we have no powers, and he has no rights, that is Land by the Davidsons. And you could sit it is green there. So that would have to be achieved. By agreement with Mr. Davidson, Mr. Davidson would need to enter into a private agreement with Mr. Hawes, you'd have to negotiate that if there was a fee payable, and so forth. And that's that is what would be required to deliver that we can, we can only get so far with achieving that. Knowing that Mr. Hawes still would prefer to access his property directly. The engineer you advising highways England and highways England have looked at this. And they have of course identified you can sit there on figure two, that the red line does pass over Mr. Hawes, which means you can take access on the east without crossing any third party's land outside the red line. And so that has resulted in the design or the suggestion. Obviously, these things can be refined, which we'll see figure three, which is on page number eight of the private means of access note and that will show the access to Mr. Hawes property being taken from the eastern side and then into his land there. Now, that may not be Mr. Hawes preference, but it can be achieved without a negotiation with Mr. Davidson and without taking somebody else's land. So from that point of view, that one is deliverable by housing lands to accommodate Mr. Hawes wish, perhaps not in every sense, but it is one that could be could be achieved without a change in terms of the

45:01

And so, so that one where we have sought to sought to negotiate this is really to achieve a compromise as between the Hawes and Davidson's views of the world. And so where does this guy from here, we have effectively before you two options. The first is the application scheme, which would evoke crossing Mr Davidson's land. And our understanding is that that is not acceptable or not ideal for either Mr. Hawes or Mr. Davidson, they would prefer to have separate accesses, many landowners do. Where there's shared shared access isn't entirely understandable at a human level that people want to have that little common driveway as possible. So that's one way that it can be addressed. The other way it can be addressed is using the eastern access to Mr. Hawes because we can provide that within the order powers should you recommend. And that is really as far as we get. If Mr. Hawes and Mr. Davidson come to us and say we reached an agreement, then we could provide alternative a. But we would suggest that that isn't the way that we should go. Because at present, there is no agreement. And of course, it requires Mr. Davidson's additional land. We could leave that as something which is a possibility for later but always that it's going to require Mr. Hawes and Mr. Davidson to come to an agreement, and then we could provide the Bell mouth but the the the two valid and two viable options, viable options are the order scheme as applied for the eastern access, which is alternative B. So thank you for bearing with me. I

47:04

know that's that's very helpful. It allows everyone to hear the applicants position. It's useful to get that context. Obviously, myself and Mr. Pinto have read that additional reports. But it's useful to have it presented in that way as well. So as far as the outcome is concerned, clearly, there's still the need for the powers, the scheme, which is was part of the original application is there, that has to be the fallback position, whatever.

47:44

That that that is right. So the that's entirely correct. We need to be able to provide an access for Mr. Davidson and Mr. Hawes because we can't leave them without Nexus. Yes, yes. One of the ways we could back is by providing for the, we could provide for all three of these, so that in the event event of there being no agreement, we do the order scheme, if it goes as follows thinking about how practically this could work, and if nobody is in agreement, then we have our powers of compulsion, and we provide the order scheme. If Mr. Hawes accepts that it's not his preference, but he'd rather have a an access from the east, then we're able to provide that one. And then we could provide that where agreement is entered into between Mr. Hawes and Mr. Davidson, and we can provide the alternative a from the north so we can provide for that. And DCA is very often have alternatives in them at this sort of level. Usually, it's not completely different alignment, but this type of thing is very often included in a DCO as an option.

49:11

Okay, thank you. And let me just check my notes. Sending further I wanted to ask of you at this stage.

49:43

Now, I think that's fine for now. I think while we're on this subject, rather than waiting until agenda item three, where I will ask that's it. Persons come back comment generally on the whole list. I think if we continue with this, then there's no need for dialogue on this particular matter, it can be done at this stage. So, can I begin by asking Mr. Hawes and then Mr. Davidson or Mr. McDonald on his behalf, if they wish to comments on both what's Mr Bassford has said and also on the report, which has been submitted as 8A double o five. Mr. Hawes. Can I start with you? Is there anything you wish to add to this point?

50:40

Yes, good morning, yesterday. I'd like to correct something that Mr. Bassford did say. Old the alternative option was never that preferred option. It was as a direct result of a conversation I had with Mr. Davidson, where he left me with no doubt in very robust terms, that he did not want my passing through his property. And therefore, as a compromise offer, I then propose to the applicant, alternative VA as a means of circumventing and making sure we didn't have any ongoing contention. So, I would suggest that none of the three options are ideal by any means. And we are looking at a compromise option here to meet all body's needs. As far as option B is concerned, an alternative B is concerned, that is a major piece of construction, and would significantly compromised the property and coming from the woods ag appreciate it is well documented in the past, my concerns about the impact upon the woods, then that would exacerbate things further. And at the same time, it wouldn't solve anything because I still require access across the mysterious depths in the property as the manager of the water system, I do require access in future and also the other parties will require access the Northumbrian water the farm. And in addition to that, Mr. Davidson and all the other respective parties will also be crossing over my property. So it doesn't achieve it. We all got shared usage here. And it's certainly we have to face up to now this case of trying to minimise shared usage and I understand the motives behind that.

52:37

Okay, thank you that that's helpful to understand the opposition on this. Mr. McDonald's is trending, you should say on behalf of Mr. Davidson. Hi, that.

52:50

Yes, yes. Thank you very much. I mean, but we start I mean, essentially, put cards on the table, Mr. Davidson's favourite alternative is, is Option B. Now, this is for a number of reasons. Where do we start? So there's been ongoing tension between the two proprietors of the properties whether it be during Mr Davidson's occupation, or, or previous proprietors of the property and we see this as a way that both parties can make a clean start and, and basically, without compromising one another's property, because anytime that you've got to take access as a as a main means of access, I understand Of course, there will be other rights of access afforded at at appropriate times, but of course, 99% of the usage will be just as a main route of access into the property. So we see this as a way of, of splitting the properties. And for this reason, that's why we have challenged he and designers who have come back with the various options. So, that is, where we are there, of course, you understand water, etc. There will be ways that people will have to access but that is in the title and there's no way of altering them. Or, you know, there is no easy mechanism to alter them, where we find ourselves at the moment there is room for discussion. Now we've tried to understand Mr. Davidson tried to talk to his neighbour about this to see if they can come to a see if they're anywhere near the same level of thinking. And understand from maybe from out from this last comment from Mr. Hawes that they're still not on the same level of thinking here. Mr. Davidson does feel that because he put purchased the property at a after the commencement of the scheme and negotiation started that he feels slightly on a back foot here, but would nevertheless really like to, to make representations No. And now on site with he officials and designers etc. We've looked at this alternative, but up on the draft plan in front of me is alternative three, but on the document that we've all been looking at, it's it's alternative B, option B, coming in, where there is an old previously used access, perhaps not used for a little while, but there is no doubt that there's been access taken through the trees over the public right of way and on to Northgate farms garden land at the north east corner. Therefore, we believe it would just be reinstating a access have gone by now. Of course, we waited to hear from the designers etc, whether this was possible, and they have found it possible. So we strongly believe that this would be the way to go forwards. And if there's an opportunity to split the parties, and for no one to have full rights of access in in terms of accessing their property on a day to day basis, then then that really would be the best option. And I can't see an alternative being agreed. standards.

56:49

Okay, thank you. Can I just clarify, perhaps with Mr. bassford? So as shown on figures two and three, the purple land is Mr. Hawe's the green land is Mr. Davidson's. So the new access roads the East before it enters on alternative B, before it enters Mr. Hawe's land? What is the ownership of that access that lands? I could? I'm sure it's there and available. And I could check it myself, but not immediately off the top of my head. So if you could help me thing we are.

57:34

We are similarly disadvantaged, but I believe it is the farmers farms field, but that will be taken from okay. So somebody will tell me, I will then be able to confirm.

57:48

So in any events, which is right, thank you. So in any events, the stretch up to the left turn to North Gate farm that would be shared by Mr. Hawes and Mr. Davidson anyway. And as Mr. Hawes was set out, there are other needs to access along that in any event.

58:19

Yes, they would enjoy in common, right, have access over less options. Thank you. I think Mr. Mickey also represents Special Ops. Mr. Robson, I believe is the farm who would access the fields to the north as well. So we'll have an interest in the key of that. Of that private means of access.

58:55

Okay, thank you. Mr. Hawes. Can I ask is there anything further you wish to add? Having heard Mr. McDonald's comments?

59:09

Yeah, I mean, just to clarify, again, obviously, Mr. Bassford is correct in highlight notes, Mr. Robson's Lang that it comes through. But that route also passes through my property. So there's a certain usage there on the corner. But obviously, I think I am desperate to try and find a compromise here. I understand this is a difficult situation. But the thought of taking on that the construction of a road spanning that length, from all the way from the trees to my property is a merge a piece of work and one that I think I just couldn't feel like I could undertake that not forgetting the fact that it would actually split the property opened compromise it and again, you will be well aware of my concern about the amount of time I can view that would actually affect the add a significant piece of extra time directly onto my property. To support the existing views, furthermore.

1:00:03

Thank you. Yes. So, Mr. Bassford, the applicant be providing this.

1:00:11

Well, the applicants proposal is the access that passes through Mr. Davidson's land to Mr. Hawes property. So that that is our proposal. If Mr. Hawes is asking for a different access, separate access, then really that that we can provide a bill map for him to connect to. And that would be for him to promote.

1:00:35

So you would only provide the access as far as the red line? That

1:00:41

obviously we don't have any powers over the rest of North Gate farm. That would be Mr. That would be, Mr. Hawes

1:00:50

Yes, but that's only because you've drawn the power the red line in that way? you I'm sorry. What I'm thinking is, you are effectively proposing to take away the existing access. So shouldn't there be some measure whereby you provide an alternative that is equally advantageous or suitable to Mr. Hawes?

1:01:22

While the test is not Mr. Hawes, the Ori or MBT is not equal advantageous, it's that we don't deprive him of his access. Now, he would be in no worse a position that Mr. Davidson is now remember Mr. Davidson currently takes access across Mr. Hawes' property in the current situation. And all that would happen is that in the scheme, worlds the normal scheme, Mr. Mr. Hawes would drive across Mr. Davidson's property? Yes, that's acceptable now, because that's, that's how those properties are.

1:02:00

But the difference here is, I think that if you provide the access the bell mouth for that alternative be then Mr. Hawes doesn't have access to the front of his house itself. He has to provide the tarmac or other surface, right across three quarters of his land. And he has to pay for that.

1:02:29

Well, that because we've already proved posed a perfectly good access across Mr Davidson's land. So if Mr. If Mr. Hawes wants something that he thinks is better, that's to his account.

1:02:41

Okay, I understand your position. Yes.

1:02:44

I mean, this is this is public money, obviously. And Mr. Hawes is a is a householder. Obviously, there are compensation payments, but this is all Sam's in that negotiation rather than matters for you. You are looking as far as the red line and whether we are providing an access to Mr. Hawes.

1:03:01

Yes. Okay. Thank you. Is there anything else anyone wants to say on this points? I think I understand the position of the three parties involved. I'm happy that you provide any further comment now. And or follow that up in writing by the next deadline? deadline nine. Oh, actually deadline 10 given that there is a very short title tagline now, Mr. McDonald, I see you have your hand up. Yes.

1:03:41

Thank you. Just a small, just small point to follow Mr. Bassford partner. So? Yes, there is a shared access our present over land belonging to Mr. Hawes, which is enjoyed by Mr. Davidson. However, the current scheme does not provide a like for like access, which I think Mr Bassford was getting at it is much more I believe detrimental to Mr. Davidson's property is the proposed access within the red line boundary than the current access, which is almost a reverse of that where Mr. Davidson accesses over Mr. Hawes land. And I think I'm not gonna labour the point, but it's clear from the plans as to how that is. Thank you.

1:04:36

That that's a specific comment. fair comment from Mr. McDonald. Of course, it would involve a greater imposition on Mr Davidson's property, and all that, no doubt he would seek to be compensated and would have to make a claim in the usual way. And I know that is obviously represented here today and that that's what would take take place. So that that is the that is ultimately though it is a reversal of the current situation. Mr. Hawes is currently Mr. Hawes would receive an access which he would have an access removed from his property that would be a minor veterans. Sure.

1:05:18

Thank you for that. Mr. Bassford. So what's in there for did? But yeah, I understand. I mean, obviously there is a well documented historical, strained relationship between the parties. And is there any real way of quantifying that side of things into a compensation claim? That is my point. And yeah, anyway, that that there will be time for further representation in due course. But yeah.

1:05:52

Thank you, Mr. McDonalds. I think. As I've said, I'm consents to see further representations in writing, I think it's been very helpful for the examine authority to hear and to understand the position. Clearly, it is a difficult one for the parties involved. And that we will take that away and consider Mr. Bassford with anything final on that.

1:06:23

Just finally, to say that Highways England, and Mr. Hawes from the VOA will continue to negotiate with both parties, hosing them would really like there to be a mutually acceptable solution to this work, whatever the history by reaching a measure of agreement between the parties that offers an opportunity to unlock this, and we would encourage this as an opportunity for Mr. Hawes and Mr. Davidson to build some bridges, which will be less technically complex than that over the Coquet.

1:07:06

queue. Good, thank you. So let's move on from that matter now. Just checking my notes, if there's anything else I wanted to ask. And item two.

1:07:36

Yes, just one point which I raised. Ch two, which was when heads terms, signs and matters resolved, as could the applicants. captains encourage landowners or agents to confirm that matters have been agreed. So we have something in writing from each agents themselves. And we had a response that's at rep 604. The fortress two applicants written summary of all submissions, as opposed to hearing action notes, which quite rarely said that the onus was on the landowner to confirm agreements. Yes, I accept that. But I think the onus really is on all parties to assist the examining authority. And if any help could be given to landowners or encouragement given to landowners confirming writing, that would be advantageous to so can I leave that with the applicants hands with landowners to please confirm in writing when things are resolved? That would be helpful. Okay. And then can we also pick up here the issue about the 66 kV cable he was touched upon earlier, the agreements, potential agreements with Northumberland states, is there any update on that position now? Mr. bassford,

1:09:35

my understanding and I will look to Mr Hine and fell here to again correct me if I misspeak. My understanding is that the matter is resolved, you will not have received any further requests to vary the application. And so the the position as is as set out in the application would be managed by private treaty. arrangements between the parties. You might want to just speak to Mr. fell on that now in order to pick it up swiftly.

1:10:07

Yes. That would be helpful to Mr. Fell do you want to come in at this point.

1:10:14

Yes, no problems. Yeah, that the best both all the all the landowners that are affected. Graham's Hawes, Beales rock state Northumberland state are happy that the

1:10:36

additional land take is taken for the permanent land take taken for the diversion works to to sit in. So what we've agreed as Mr. bassford and Mr Hine will confirm, but we will we've agreed is that all the additional landscape will the word need any additional rights over the retained or the land that will still be owned by the the freeholders. So all the access rights in the future, what we will really concerned about is Northern powergrid having carte blanche access rights over all adjoining land. And so the tension and I think, obviously, the original BTO application was for an either or scenario. But I think it's all been agreed now that the the greed, the greed route is that there'll be the additional land take permanently taken. And that access, therefore, to that by northern power grid will be directly off for a public highway. And so they won't need to have rights over adjoining landowners, which is what we all all would like. The advantages comes down to the matter of value a value at the end of the day. Between the we've we've agreed something on most of them. Got a few discussions have over North on the states, but it's a much bigger package that to talk about. So there's lots of other rights there to deal with. Yeah, understood. Thank you.

1:12:02

So as as you understand from that, in line with what Mr. Hine set out earlier, we're advancing towards documenting this now. And there is not a point of principle outstanding any longer in relation to the powers for land acquisition for the 66 kV cable. And we will agree with the parties that's that will be the approach to take. Thank you.

1:12:29

Yeah, I think we just want to make sure that the other option of the rights is not on the head and that going, you know, the DCO is is just for the current land take. Exactly.

1:12:42

Thank you both thought that's helpful. Okay. That's all I had under item two. Is there anything else? The applicant wishes to turn your item to? Not for me, sir. Thank you. Thank you. So let's move on then to item three, which is site specific representations by affected persons. The agenda item says the examining authority will ask affected persons to briefly set out any outstanding concerns in relation to ca compulsory acquisition and or temporary possession for lands which they own handle occupy, that

have not been addressed by the applicant. Examining authority may ask questions about matters arising from written oral representations. So can I start, perhaps with Mr. Fell if you wish to add anything to what the applicants have said, about any of the sites? Thank you, for your clients. First of all, Mr. Thorpe, there has been

1:13:57

I think there's been a slight amendment. Mr. Bassford, you failed to confirm but I'm sure better confirm that the tension is the this is a Charleston drive downtown Charleston hall where there's some mitigation bat boxes required. The rights I think, originally the DCO were for a temporary possession, but I think there's going to be a permanent acquisition of rights. I think that's the that's the proposal. I don't, I'm just waiting for our clients just to confirm, but from initial discussions, they don't seem to have any issues with that. But it was just I think, Mr. Bassford, is that is that right? Is that your understanding that's changing from temporary to permanent?

1:14:41

I will need to check that, Mr. Fell, but, but I think I think you're correct. And I think that those changes have already been made in the paperwork. Okay,

1:14:55

great. So yeah, we've agreed And just confirm what what the time is saying that we've missed time. And I've had discussions over the broad principles of, of the landscape valuations. And so I don't think that will be any issue to agree that that we've had quite a lot of. There's been lots of survey works going on. And lots of we've had, we had a big site meeting with over the final design plans as well, which may cause some slight amendments not not addition, not taking additional land. But this is just sort of more practical things, which may actually mean less land and other bits and bobs. So the broad principles of the land take values are going to be are are agreed in principle. We've got some discussions to have over the where there are tenant interests in place. particularly well, there's an eight six act tendencies in place. But it's behind and I've started those conversations, I don't think that would be too problematic. But it is a matter of valuation at the end of the day. Anyway, Mr. Bassford, will say so the I think the most challenging thing on all these things is the severance and injures infection, isn't it? And that's the matter that is always more difficult because of comparables and other bits and bobs. So we've had some broad discussions. So far, and that will be what we'll we'll end up working working to, I think the deadline is the deadline for the your deadline, you're working towards it sometime in July is at the end of July. So the fifth of July, fifth to July,

1:16:47

July, but getting ends as opposed to the ending and

1:16:53

focused on the fifth of July. Yes.

1:16:57

Well, I would, I would like to think that Mr. Hine and I have got quite a long way down the route of getting broad terms agreed. By the fifth of July, whether we've got them all, absolutely ready for signing

is probably going to be a bit more tricky because the the land takes on some of these is quite large. And there's, for example, northern states as the additional compound site, which is a bit more complicated, and there's lots of discussions going on there about the layout and how that operates, etc. And you'll be pleased to know actually, hopefully, the the, the temporary land take there's going to be much less than originally anticipated. So so all those things may may cause a just a sticking point to get things actually finally agreed. But we're certainly a long way down the line. And with the Beales we've made really good progress. There the relationship is, is is much better between the parties. And so we've we, as Mr. Hine said, we've got we've got another meeting hopefully lined up next week to to go through some some final things, but we hope to be able to progress towards the terms pretty quickly on there as well. Thank you. The the obviously the main concern that they have, as well as the displacement of the of the parents, the elderly parents who live in the farmhouse, but But Mr.Hine, and I've got some ideas about how we can accommodate that and make it as pain free as possible for them.

1:18:24

Okay, thank you. Anything else? Just to fill you wish to know, I

1:18:29

think just to say that I I concur with Mr. Bassford design that I think the progress is good. Having dealing with HS two, this is a far much further on than HS two on discussions. So and they've already served the gbd notices. So I would I would say that it's great that those discussions and and it's very amicable, there's a good relationship. And I think as you've said across the board, you know, all the agents are working well and design and one, I think I think there'll be no reason why we were about to get agreements without having to go through the the powers at the end of the day. That's encouraging. Thank

1:19:09

you, Mr. Bassford just thinking then, if matters aren't agreed by the fifth of July. Do you intend putting in any statements at that stage to say where negotiations have got to will there be? We've got the general summary table in the compulsory acquisition sheduled. But might remain? Why might we need more than that for ones that aren't concluded or what what's your view on this and previous experience?

1:19:46

By I say to my children, sometimes the thing that sounds like a suggestion is not actually a suggestion is it and I think that was a similar sort of suggestion.

1:19:58

Well I think actually I wasn't suggesting as I was saying that I was thinking, turn the attend to ask what your view would be. Yes. So let's turn that point.

1:20:10

I say sometimes it's not a question either. And the, the the, I think it would be sensible for us to summarise where we have reached by the close of the examination in a few weeks. I think that what we, as I've said to you, sir, the objective is always to negotiate agreements with with the other affected

parties. But it is not incumbent upon us to prove that we have concluded agreements, because compulsion exists in case agreement fails, and we could get to the very point where Mr. Fells clients have their pens in their hands and then decide not to proceed. That is the compulsory compulsory purchase powers are designed to protect national projects against that sort of thing happening. So I don't believe that will happen. But we will summarise where things are at the close of examination so that you have an up to date record of the progress that we have made, it's probably going to be another iteration of the ch shedule. With a note to reflect upon the progress made generally.

1:21:28

Thank you. That would be helpful. Thank you. Mr. Davidson, this sorry, Mr. McDonald, is there anything further you wish to add? In terms of any of your other clients? No, everything's on an even keel elsewhere. Okay, thank you. And, Mr. Bruce, is there anything you wish you'd wished to add at this stage? Not really. We

1:22:09

are making good progress with the district, valuer on most of my clients matters. Further meeting this afternoon, and negotiations and progression is amicable and helpful. We have a sticking point with Milhouse signing consent. But I understand that's not a matter for your inquiry. It either has or hasn't got playing consent. And we'll have to work that out between us that negotiations are continuing. And we're trying to progress that one as well under negotiation just to see where we can get to. Thank you. Thank you.

1:22:51

Okay, so that's, I think addressed is item three, is there anyone else wishes scenting under item three?

1:23:04

I would just thank the the valuers and negotiators involved. It's tediously dealt with not have very much in the way of objection still within these hearings. And I'm grateful to everyone for making good and constructive progress.

1:23:20

Thank you. Yes, support that. So the next item on the agenda is item four, which is that's trends to take land issues. And that's the final substantive matter.

1:23:45

All I'm looking for under this item is an update on where discussions have got to with the statute takers, which possibly won't take too long because it is 25 past 11. Now, can I suggest perhaps that we have a break for, say 15 minutes coming back at 2012? And then we should be able to wrap things up? I would think within 20 minutes half an hour. On the final matters. Is this acceptable to parties? Mr. Bassford first? Yes, sir. That's absolutely fine. Thank you. Yeah. Someone else wish to comments on that. So can I take you through everyone's content? has to fail? Yeah,

1:24:38

I was just saying we really need me it's just our dogs have gone missing overnight. And I've been running around this morning trying to find them I found one but haven't found the other so I do need to go and try and find them. If you don't know me

1:24:51

know, I typed. I typed in the return senator with the one of the infrastructure issues that I had in mind, so I don't think we'll need you could look with with finding the dog. So like the robot. Okay, thank you. Right? Yes. So just before we break one thing I would say, Mr. Bassford this, we have another issue ca hearing next Monday. And if there is any update that can be provided at that stage, please feel free to do so clearly that is intended to be in relation to the change requests puts in another couple of days given that you have further meetings, it may be worth just having your further comments at that stage. So I'll leave that there. So let's turn now 25 past 11 we'll come back at 2012 Please keep your computer's locked into the hearing and while the chair now thank you