

# TRANSCRIPT\_A12CHELMSFORD\_CAH3\_SESSION1\_270623

Tue, Jun 27, 2023 4:09PM • 1:32:09

00:02

Good afternoon, everybody. It's now two o'clock and it's time for this hearing to begin, I'd like to welcome you all, to acquisition three hearing for the A 12 chance for a 120 widening scheme. Just before we carry on any further, can I just confirm with a member of the case team that everybody can see? And clearly hear me?

00:26

Steve Parker here Case Officer, yes, we can see in here. Fine. Thank you.

00:30

Brilliant. That's great. I think we've rectified the the camera problems from this morning. So hopefully that that will help enormously. And can I just also confirm with the case team that a live streaming as commenced as well, and I'm given a thumbs up. So that's great. Thank you very much. My name is Adrian Hunter. And I've been appointed by the Secretary of State to the lead member of the panel for this examination. I'm now just going to ask the other members of the panel if they could just introduce themselves, please. Good afternoon, I'm Max Wiltshire.

01:03

Hello, again, my name is John Gorst. Thank you.

01:06

Thank you both. Together, we constitute the examining authority for this application. What analogies just briefly run through the agenda and just some details for how we're going to run this this hearing. So the meeting will follow the agenda published on the national infrastructure planning website, which is on the 19th of June 2023, and examination library references ev 014 A. And he may well be helpful if you have a copy of this in front of you as we proceed. The agenda is for guidance only and we may add other considerations or other issues as we progress. We will conclude the hearing as soon as all relevant contributions have been made and all questions asked responded to. But if the discussions can be concluded that it may be necessary for us prioritize matters and defer other matters to further written questions. Likewise, if you cannot answer the questions being asked to require additional time to get the information, then please indicate that you are responding writing. This afternoon's hearing is being taken birch, meaning everybody participating through Microsoft Teams. A recording of today's hearing we made available on the A 12 Chelmsford to a 120 widening scheme section of the national infrastructure planning website as soon as practicable after this hearing is finished. So with this in mind, please can you ensure that you speak with clarity stating your name and who you're representing each

time you speak. A link to the planning inspectors privacy notice was provided in the notification for this hearing. We assume that everybody here today is familiarize ourselves with this document, which establishes how the personal data of our customers is handled in accordance with the principles set out in data protection laws. If you do have any questions about this, I recommend you contact that case too. It's our intention to take a mid afternoon break about 330 ish and we'll do it eventually hearing roundabout five. But those people watching the livestream Can I also advise that when you we do take a break and proceedings will have to stop the live stream in order to give us clear recording files. As result. At the point at which we commence the meeting the light on the live stream, you may need to refresh your browser page to restart the stream. Just before we carry on as anywhere any questions or comments just about what I've just outlined in terms of the process for this afternoon's hearing.

03:24

Thank you, sir Reuben Taylor on behalf of national highways.

03:27

Thank you, Miss Taylor. That concludes item one. And now I'd like to do is pass over to Mr. Gorsky, who will take us through item two on the agenda.

03:40

Thanks very much. And picking up from from that this is the third compulsory acquisition hearing just one back in any of March and the second one at the end of April. And it was clear at the end of the second one that there was still a lot of ground to be planned to be made up on the compulsory acquisition shedule and the negotiations with the various affected persons. Now at the first compulsory acquisition hearing on the first of March, the applicant set out in detail what they have to show in order to make sure that they will have the compulsory acquisition. They're referred to Section 122 of the Planning Act 2008. And just picking up from this and also referring to some of the compulsory acquisition guidance, I'll just emphasize three points. Section 122. Subsection three says that they need to show that there is a compelling case in the public interest for the land to be inquired compulsorily. And then moving down to compulsory acquisition guidance. needs to be shown that the land to be taken is no more than is reasonably necessary for that purpose, and that it is proportionate. And then third point I just make is the paragraph 25 of the compulsory acquisition guidance says that the applicant should seek to acquire land by negotiation wherever practicable. So bearing in mind those points. And that's just a precis of of the statutory conditions and compulsory acquisition guidance, just certain points that I'll be concentrating on this afternoon. Just picking up on that, before we go to the applicants, we'll just sort of see who's, who wants to be speaking this afternoon. So first of all, the applicant? Can we hear from who's representing the applicant? I assume it's, once again, are you are you looking, you're coming very close to us, actually. You're You're always jumping out the screen. So

06:08

room Taylor national house, it's a frightening prospect for anybody. So I'll try. I'll try not to move around too much in front of my fisheye lens camera. But I'm here to represent national highways I've got I've got a team of people around who will introduce themselves as and when is appropriate.

06:26

Thank you very much, Mr. Taylor. And we'll come back to the applicant later, in terms of those interested parties who wish to make representations. I've got a number of people who, who are on my list. And I just wonder if first of all, are there any local authorities who who want to be making any representations? No, I don't think so. We haven't heard from from anyone there so picking up who's on my list. We did have the Bolton family at the last hearing but I'm not sure whether they want to speak no indication of those.

07:15

So excuse me, and reply tight on behalf of the Bolton family and also guest and and Hammonds estates.

07:26

Thank you. Mr. Pyatt? Yes, we did hear from you last time, so that's absolutely fine. And then Royal London and Edmondson electrical. Miss Kingsley.

07:37

Good afternoon, sir. I'm Nicole Kinsey. Yes, I would like to speak these on behalf of Royal London and ESL.

07:45

Okay, thank you very much. Good. See you again. Mr. Mrs. Lindsey. I see we got got you. Good afternoon, sir. Yes, please. I should like to speak on behalf of both of us. Thank you, Mr. Lindsey. Rod UAC.

08:13

Okay, so question mark about Mr. WASC. And then there's Mr. Thomas from shoosmiths. On behalf of enri Sigerson Parker strategic land.

08:25

Yes, I'm president and would like to speak on behalf of those parties. Just briefly. Thank you.

08:31

Hello, Mr. Thomas. I don't know if there's anyone from the bunting family partnership. Right, no indication at the moment. And then moving on President Hall. They spoke last time so anyone on behalf of President Hall okay. Now, there's a couple of people who will be joining us later. On behalf of Gershwin Park, landowners and church Manor estates but I don't think they're here at the moment. So the next person on my list is Ian Mahoney.

09:21

Okay, moving on is the Buchanan family represented? I think it's either Mr. routes or Mr. Route who indicated that they were they was going to speak on behalf of the Canada family

09:43

and then we've got a submission from Crown estates. I don't think they're better anything, a representation they put in. So where we're going over the next The next few hours is first of all, we're going to get an update on the compulsory acquisition shedule. That was submitted it deadline six. It's obviously a live document and it's getting updated pretty regularly. We'll be hearing from the applicant on that deadline for there were 54 Outstanding. Whether negotiations was still going on deadline five about the same deadline 6am down to 49. So there is some progress and hopefully we'll be hearing in a few moments, there's quite a bit more progress. We'll be hearing from Sachi Undertaker's anything that they want to say, and particularly Network Rail might might want to make some comments. There's then the Crown Lounge that Crown land points. And I mentioned the the submission from from Burgess salmon on behalf of the crown estates will then move on to borrow pits, which has been been a subject of lively conversation. And we may well hear from Mr. Tayloe, who tries to explain when the gist of a document has been has been provided, we look forward to hearing that. And then finally, we'll move on to the persons the affected persons and hearing what they've got to say. At the end, this was the last compulsory acquisition hearing before the end of the closed examination in about three weeks from now. So this, although it's always open for anyone to make any interested party to make written representations, this will be the last hearing that we have in respect of compulsory acquisition matters. So reversing to the applicant, if we could hear from you Mr. Taylor, I gave you gave a brief rundown of how the figures have not moved very much since deadline for which the 11th of April. And I'm just wondering if you can give us a little bit of comfort from what was submitted in deadlines six in the figures that we saw those. So they're served to Mr. Taylor.

12:25

So I'm gonna ask Mr. Simon pet to give you the update on the Cha Cha.

12:31

Thank you very much. Good afternoon, Simon plot from the valuation office. Can everybody hear me okay? We can go ahead, please. Yes, thank you. So I'll provide an update on the status of negotiations both in relation to discretionary blight, sorry, blight and discretionary purchase and then the acquisition of land by agreement. Currently that 22 properties where Blyton discretionary purchase applications have been accepted. To date 19 of those properties have been acquired. And we have three outstanding blight cases to agree. All cases are being negotiated. I will just specifically mentioned wishing well farm we have provisionally agreed to market value and wishing well subject to buildings report which is chaired by the Fourth of July. So it's hoped that that can be agreed. Certainly before the end examination, there is just one point to add in terms of authority with authority. Can

13:32

I just stop you for a moment there? Obviously, that farm is in two parts of the residential property and the business side of it. So what you said is that is does that relate to both sides of that property?

13:49

Yes. So it relates to both the residential and they

13:57

Okay, please continue.

13:58

Okay. There was just one further note in terms of a biter question that was submitted. Banks have the property known as run bank has been accepted. National Highways are currently awaiting their claim. I'm if I move on to the compulsory acquisition schedule, which has been updated since deadline six and if further updates will be provided by deadline seven. As outlined before offers have been made in respect of acquisition of land by agreement in cases where landowners have engaged where figures are not agreed. We are in discussion or awaiting responses. I'd say that the majority of Londoners have been focused on mitigating the impacts of the compulsory acquisition or scheme, and good progress has been made in those areas. There's been a lot of progress in resolving London issues. And this is I suppose, being subject to an evolving detailed design and utilities design running alongside while on the face of it, there are a number of outstanding objections. A good number of these are significantly progressed. And will will be agreed. I think probably with folk on 14 objections? Obviously, they've been detailed. A lot in, in previous hearings, you mentioned him. Um, today, what I would say is, a lot of those have been substantially progressed. And and I think some of those should be seen in context. For example, the sort of 10 of those representations that relate to to two family interests of your life. There are 10 separate legal interests, but one objection covers all of those interests. So even where we have, you know, we don't we have issues that don't necessarily relate to individual legal interests, that there are 10 outstanding objections. I think, in some of those, those cases, specifically, there are fairly complex discussions around matters like puppets have to be resolved before before those objections will all be removed. So that just to give a bit of context, I think also, I'd say that, in terms of the lung objectives indicated, they'd be willing to progress acquisition by agreement. Not every case, have they responded to attempts to engage so we are attempting or actively to reach agreements and genuine attempts have been made, we've made offers to acquire by agreement and to resolve landowner issues. And while it's appreciated that we, you know, we are almost at the end of examination window, there has been significant progress, and those discussions will continue beyond the examination window. I will just mention that there's been, because it's an issue, there's been positive progress in relation to the bar pits. And those agreements are moving forward, they'll be picked up later in the agenda. There's also been progress with the Crown Estate in terms of agreeing the Crown Estate claim, in order to be in a position to progress the section 135 consent has been Germanistik, a significant amount of work, gone into resolving landowner issues and seeking to acquire a agreement.

17:22

Thanks for that introduction. You always you mentioned that considerable effort has been to progress the negotiations. Can I ask you about one particular and is a borrow pit, but I'll raise it now. It's in respect of BB F. Now, this party, this affected person has never never made a representation. And you said that the interested party was contacted on the 25th of January to offer the option of commencing negotiations. And an offer was made in respect of the permanent land acquisition on the 20th of February. This party has not submitted a representation. Now this is about 246,000 square meters is a pretty substantial piece of land. And I was I was just wondering, what was the position why there's been no comeback at all? Person Why buy for quite a significant piece of land just seems a little unusual that you're not really be able to have any dialogue at all.

18:47

So So yeah, happily comment on that particular case? I think in the first instance, we've tried to be proactive and engage and invite meetings to acquire by agreement and that you referred to the earlier correspondence in January. So we have we have done that to MIT to move that that process forward. Where that hasn't moved forward, we have then made an offer because we thought that will at least give some elements of you know what the compensation package will look like that will be helpful for landowners. And we could we could maybe progress on that basis or that may be a catalyst for discussion. In terms of the ball pits, specifically, we have said that we will you know where there's been objections to acquisition, we will look at alternative mechanisms which we have done. I will confirm but we did have a meeting with that particular certainly the agent for that particular landowner, and I'll confirm the date. But we did run through the process in terms of acquisition permanent acquisition that he so and also the option of the lease agreement. So I've happily dig that date out. But there was a further meeting where we did with members of the construction team other teams called to run through that to see if we could progress. So, in terms of why that hasn't progressed, where we haven't had responses to offers, it may be that London has have the offer. Consider that, you know, it's perfectly reasonable offer, they will take it forward, subject to the DCO being confirmed, I can't confirm in respect of individual landowners or agents. But certainly we have tried to progress we've instigated we provide an offer, we had a follow up meeting to offer an alternative if they wanted to, to pursue that option. So I think we have made positive progress towards trying to agree. acquisition by agreement or any alternative proposals put forward by landowners? I think there's not there's not a great deal. There's not you know, other than to be chasing constantly for responses. It does intersect with landowners and agents to sort of play their part, I think.

20:56

I hear what you say there, but I did at the outset, refer to paragraph 25, under the guidance, and it's the applicants who should seek to acquire land by negotiation wherever possible, sorry, wherever practicable. So I think I'm, I'm gonna be expecting there'll be some reassurance that's given to us at deadline seven that particularly in relation to bar or F, that the applicant has has done absolutely everything to try and progress the negotiation there, because it seems a bit unusual that for a significant piece of land, that there doesn't seem to have been any progress at all, except that the effective person has not put in a representation. But bearing in mind that negotiations we've been going off for some considerable time, it just does seem unusual. That the there isn't something to look out. So I'm I'm hoping that you're going to put something in saying we contacted the landowner then, and then I'd know a fortnight later. And then a fortnight later and the there's there's a regular amount of contact with that landowners that has taken place so that that can go towards satisfying paragraph 25.

22:19

That's fine. I'll happily provide a list of that correspondence with the landowner agent.

22:27

Okay, if I could quiz you on on a few other things. When we had the hearing, the end of April, we were all very pleased to hear that agreement had been reached with countryside zest. But I know that deadline six they're still maintaining their objection, because the agreement hasn't quite been fully finalized. So what's what's the position with them? Because they say we were really happy back in back

in two months ago, when we thought that one had been taken off the list, but they're still objecting. So what's happening on that one?

23:12

So I think there's been a lot of a lot of exchanges on countrywide cysts, and it's been focused on in terms of reaching agreement, there's obviously complexes around the fact that its development site. But heads of terms have been produced. I'm and have dealt with the agreement of the land values permit acquisition, which has been which has been agreed. There are some areas around easements license or access licenses that are being progressed. But I think we'd happily respond on that in writing, I think the landowner or the representative of London themselves would agree that we're almost there in terms of that agreement. There's certainly been a lot of positive exchanges. In the last few weeks on that particular case, they'll happily happily contact the landowner or agent to to, to see where we are without objection.

24:16

Right, thank you for that. I'm not going to touch on on on those where we've got people going to be making representations later on the agenda. But if I could ask you about a Barak II because they're, they're not on our list of people who are going to be speaking in the reply to our question. The next question three, there is a reference to a private position statement with these landowners. Are we going to see something submitted to the examination so that we know what's in this paper? I have a position statement.

25:02

So I think specifically, sir, I'd probably have to defer to either try always, although advisors aren't on the position statements, I believe they're progressing those position statements, the acquisition of land by agreement and the borrow pit leases are the main areas that I'm involved in. So hopefully defer to someone else on the team to give an update on on that. Certainly they were doing.

25:32

Nick Dexter on behalf of the applicant,

25:36

Dexter, nice to see you again. Yeah. What can you tell us? Because, you know, from our point of view, seeing that this upright position statement doesn't really help us at all. So, you know, please fill us in a bit on that.

25:49

Yeah, I think we confirmed at the last call circulation hearing that we weren't progressing the private position statement, because the heads of terms have been substantially agreed. And when we've we've made good progress on on the lease for the borrow pit, which was the substantive issue with with Lord Rayleigh and friendly strips. So yeah, we haven't progressed that that private position slightly.

26:21



Okay, well, we can touch on it later on underbara pets, but that deals with with that query for the moment.

26:36

Now, something that some caused a little bit of confusion around is the Coleman's quarry. And certainly the submission that came in at a deadline three, I think caused quite a few people to quite it quite quite a bit of confusion. This is rep three Oh 23. The borrow pit costs information. And Commons quarry was referred to quite considerably there. I don't if Essex can tell us if there's any progress with the section 106 agreement in relation to inter Commons quarry and I appreciate this application not by NH but by the quarry operators. But if it's someone from Essex, who who can give us an indication as to if that's move forward at all?

27:40

I know it kind of does the applicant. As I say I appreciate the uptrend is not the it's not dealing with this. It's between the Bryce family and Essex County Council. But does national highways know anything about what's happening with that?

27:56

We're in Taylor national highways. So I'm afraid we don't we're not party to the to negotiations or the discussions between the applicant and Essex County Council. The last we saw was the docking think you saw from metics stating I think there's a mattress that is still under negotiation.

28:17

Okay, well, thank you. Thanks for that. And we'll, we'll wait and see what sticks say about that. If they put in a further further submission. I think as far as the questions I had, they'll be dealt with later in the agenda. So we've got the opportunity to to ask at that stage. So moving on. Are there any Sachi Undertaker's who want to to make a representation at this stage

29:03

don't seem to have anyone in the room. So perhaps the applicant given it can give an update as to where we are with the negotiations with such the Undertaker's?

29:21

That I think Mr. Dag is going to take that question

29:26

this student dog or the applicant so the last suppose to deal with the the three same three such Undertaker's that we discussed this morning. If I can start with Network Rail sir. At the last compulsory acquisition hearing, I made some submissions about why Network Rail would not suffer any serious detriment if the DCO was made in the form that it is I don't intend to repeat what I said there. But in summary, it is because the protective provisions prohibit national highways from exercising powers of compulsory acquisition under the order in relation to networks land without their agreement. And it follows that national highways would need to negotiate voluntary acquisition of land and rights over network rails land, including temporary access licenses. So that therefore Places Network Rail in a



position where they can ensure that sufficient protections are in place to prevent any detriment from horizon. Now so since the last hearings protective provisions have been submitted by Network Rail at deadline six, and that's rep 6108. These don't materially depart from the fact don't think they depart at all from national highways deadlines six draft on consent order, which is rep 6036 in relation to the prohibition on acquisition by by compulsion without network roles agreement. As I said this morning, we will be accepting some of those protective provisions but not others, but the the areas of difference aren't really material to to that particular question.

31:30

And just going back to what you said this morning, where you you will be putting a updated statement to Common Ground at deadline seven will you Yes. And other stretchy Undertaker's.

31:48

So for Anglian Water sir, as I mentioned, protective provisions are largely agreed between the parties with the outstanding issue of standoff distances. In paragraph 27, subparagraph. Seven I don't intend to repeat so our my representations this morning is to yeah, there's

32:11

there's no need to you just just I think, I think who you're talking to?

32:16

Yes, I think I think the the the KSU. The KSU in there comes back again to Anglian Water needing to set out shortcomings in specific scenarios to show that serious detriment could arise to it. If the protective provisions aren't in the form that it requires, so for compulsory acquisition perspective, sir, I view is that they are they are fully protected by the current set of protective provisions. And it's up to them to make the make a case that they are not binding. So with regard to gain Caden gas, we understand that the protective provisions aren't agreed for again, they reflect other other orders made including on the A 47, blofield and THON. They're at standing at standing point about liability and golf club. Sir, I don't think I don't think gives rise to a serious detriment. But again, that would be that'd be a case for Caden to to, to to rise. So it's the case is that the protective provisions provide the such Undertaker's with the protections they need. outside those three that I've already mentioned, there are standard protections, which would cover other such Undertaker's such as water gas, electricity and electronic communications operators, and that those are sufficient.

34:04

Right, thank you. Thank you very much, Mr. Dag. That's that's very helpful. Thank you. So I think that moves on and we can lead on to agenda item six, because we seem to have lost number five. And I think we can deal with this quite click quickly. I mean, the outcome might might want to make a comment but Burgess salmon have put in a representation they did on the 26th of June at 1224. And they said in that they said the agreement is at an advanced stage. So I don't know if the applicant wants to comment any further in respect to that. It's something we raised a number of occasions and drawn your attention to what happened on the 47th recommendation from from inspectors of see a wry smile from you there. Mr. garlotte Do you want to comment anything in in respect to that?

35:06

Then is there thank you, Erica. Womble bond Dickinson on behalf of national highways in relation to the Crown Estate sir. It's exactly as budget seminar said. We're having a lot of meetings, making really good progress. I am pretty confident that you will have a six month refi consent by the end of the examination ideally before of course.

35:31

That's fine. And I think that email from Burgess salmon and gets us a long way long way there. That's what it in fact, what we've been pressing for was some kind of confirmation like that. So thank you for your work. I know it's never easy to get the section 135 and bit of arm twisting going on. So so well done for that. And were nearly nearly there on that. I think we're somewhere ahead of where they were on the April 7. So that's good news. Well done. Right, that leads us seamlessly on to borrow pits, or batubara pits. And this is before we go on to talk about those that want to make representations today. We we've spoken about a couple of them already. We've touched on bar appears ie what's happening on there. I raised bar pit f where where there doesn't seem to have been too much going on at all. We are going to be hearing from the owner of borrower I later Dave asked to speak. But the question I've got is when don't seem to be hearing today from the landowner of borrow pit che. I don't know whether there's any particular reason for that. I don't know if Mr. Pett wants to, to update as to where you are with those negotiations, because that's taken up quite a lot of time in our previous ca hearings. We heard representations from that family. So I don't know if it's any good news that you're going to share puppet

37:33

Simon peer evaluation office in terms of the negotiations they've progressed, there are a number of different elements to the discussions with the bunting family around practical matters to do with the the farm for the borrower pits or the payment acquisition of that land was the key point to to overcome. So we did and have had discussions with the buntings agents and they've been very positive. We've issued draft heads of terms, and they've been broadly agreed there now with solicitors to produce lease agreement. There are still some refinements around the the condition and the land goes back in obviously, that was one of the key issues and that that will progress alongside the the agreement. So I would say I'm positive on on that front and hope to replicate that in respect of the other landowners with Barbets.

38:40

You mentioned a lease arrangement that we've heard from the NFU on a number of occasions about whether or not there should be whether there should be whether NH should should take the land permanently. So the lease effectively is accepting that NH will take the lease that the the actual freehold will stay with the landowner is that correct?

39:15

That's the option we put forward in discussion with the landowners. Yes, that was that was the objection that the land was to be quiet permanently. I'm mostly dealing with the compensation elements of that agreement and how that would how that would work rather than the permanent acquisition but that's that's my understanding.

39:41

Yeah, I mean, clearly we're not concerned with the cons compensation elements, but for all the the borrower pet owners landowners, the fact that they were retaining the freehold did seem to be a key point. So are you able also same principle that's been accepted for all those landowners, or is one of your colleagues able to confirm that because that seems to be a major point of negotiation with with each of the borrower pits apart from borrow pit, I were sorry borrow pit where there's been no real discussion tool

40:26

or it was certainly positively progressing with a view to reaching agreements that would allow those landowners to retain, retain their land. That was the objection. And that's what we've tried to deal with, and that that mechanism is as to allow those nodes to do that, which I'll refer to

40:49

as the guide. Do you want to add to that at all?

40:53

So tricky at one point, Dickinson, I shall try to it may be that I'm the one that's confused, sir. But I think there's quite a distinction between the NF use point, which is about the return back of land the NH requires to have after care of because there are requirements of the environmental management plan other requirements, etc, that require an H took off the land. As as part of the overall development, compared to the situation with borrowed bits, where problem for us is we are permanently altering the condition of the land, where we do see a powers we don't well, there is nothing we can do for them permanent acquisition because of the nature of the alteration. And we can agree to deal with that permanent alteration by way of a lease and if the landowner is content to enter into a lease on the appropriate terms, then all well and good. But what we don't have certainly in the context of the DCO itself is any sort of permanent aftercare or or ongoing aftercare mitigation and monitoring requirements imposed on us in relation to the bar up its manufacturing bar at Pitzer, we, we are taking on the liability under the compulsory acquisition process. And we will look after it it will be our land. And we think that's quite different situation for the environmental environmental mitigation land. And I don't know if that's a helpful intervention or I've just made things worse. But

42:25

you you've made the point. And we did appreciate that there was a distinction between the borrower pets and and the other owners, because of the the environmental var environmental mitigation. So you've moved on the discussion a little bit to where I was gonna go to next because the NFU point, I was taking sort of just just just concentrating on the borrower pet side of it. But I think I think we've got the answer. Mr. Pierce, as far as the borrower pits are concerned, but but as as you've gone on to the rest of it just just explained to me, except that, you know, you there may have to be environmental mitigation. But why are you saying that the mechanism that the NFU have proposed for the non parapet land? Why that won't work? You know, because they seem to have come forward with quite a simple mechanism whereby you've got the right to enter to carry out their environmental investigation. And I did ask it at the last hearing whether there was any record of criminal proceedings being brought

against NH for where they breached this, and you couldn't come up with any. So I'm just wondering for the other land and this is the point that NFU are making, why it's necessary. And acquisition when you could have have the mechanism in place which they've suggested.

44:01

rich guy, Womble wantings. Dickinson Thank you. So I think I would start by saying I don't think that we would agree that if US proposal does work, so obviously, we can come back to that, again in writing, if need be. Opposition very much so is that primarily we are the ones liable for the ensuring the mitigation is there and works and continues to work? We're on the hook. The criminal liability, the buck stops with us, sir. And on that basis, it is not acceptable for us to take the risk that someone else will be complying with our obligations for us. I think that's a sensible and reasonable pragmatic way forward. Wonderful knows what happens in relation to the enforceability of a contract how quickly can be enforced as well. Someone may be out of the country may be suffering from an incapacity of some kind and simply not able to take forward the obligations that the the local planning authorities are shouting at us to crack on and deal with. So I think, you know, with respect, so I, we do not think that the NFU solution works. And, you know, that's consistently been our opposition on my free to remain say

45:23

that, thank you for that. And I hear what you say. And with respect to you, I, it just seems that the NF use mechanism was rosary sim simple, especially when, you know, you haven't given any evidence of any criminal liability against national highways. And surely, in the event that the criminal liability was was on the horizon, there will be plenty of opportunity for for the applicant, to to board that they could obtain entry, you could get an injunction one assumes to to ensure that, and that would provide significant protection in relation to any criminal proceedings. So I think I'm going to be looking for something a little stronger from you to, to answer the point that NFU have made because, you know, I've seen the references to environmental mitigation, I can understand the points. But they just seem you know, should does it, I wouldn't have thought it's beyond the Western property laws to come up with a mechanism, which could safeguard national highways so that they were very comfortable with the with the arrangement. So perhaps if I could press you to think a bit more about that, and perhaps put in a further representation, deadline seven.

47:00

Service you got one per pontic isn't very happy to do that. So I think it's probably as well that we take it away for now. And we'll come back to your deadline to

47:11

thank that. Thank you very much for for that.

47:20

I'm not going to go on to the final bar pick because Mr. Thomas. Actually, Mr. Thomas, it would just be a good time for you to, to actually as we're talking about borrower pays, should we should we should we kick off with us so you can get away early so to speak? Do you have to make your representation at this stage?

47:43

Absolutely, sir. So can you hear me? I've got a bit of disruption on my line here and see me. Yeah, we

47:49

hear you loud and clear. Thank

47:50

you, Mike. Yes, sir. Bill Thomas from shoosmiths on behalf of Parker, strategic land and Henry singers. So I've not got much to say other than obviously, our objections to the acquisition of the site. So I can I can hear somebody else on Linus and microphones muted. Yep. That's right.

48:13

Yeah, we could hear someone else for a moment. But I think you carry on.

48:17

Thank you. Our objections, obviously well rehearsed in the previous compulsory acquisition hearings and the issue specific hearing three, and the written summary of our oral submissions that issue of Suffolk hearing three and compulsory acquisition hearing to I think summarize our latest position, I can say there has been some contact on national highways to sort of reach agreement with our clients, admittedly, somewhat late in the day. There are without prejudice discussions ongoing with my clients, agents on that matter. But simply attending yesterday to say, heads of terms and agreement have not been finalized or entered into and until such a time, our clients will be maintaining their objection to the compulsory acquisition of the site. So that's really what I'm here to say. So that there has been a bit of progress. Not a great deal quite late in the day. And until such a time that agreement is reached, we will be maintaining our objection.

49:22

Thank you, Mr. Thomas. I just like to raise with you the issue of the brain tree local plan. Clearly that was discussed over some months and years. And there was the opportunity to to get this site within the branch free local plan. It can you say? Why Why wasn't possible. I wasn't included because bearing in mind that plan was adopted pretty recently, less than a year ago. And it's it's going to make it difficult for a planning permission to come through for residential development or development on that site anytime soon. So I just wondered if if you've got anything you can say that you know about in relation to local plan.

50:21

So I'm afraid I wasn't instructed to do the promotion at the site through the local plan process. So don't have a great deal. I can say on other than I think attempts were made, admittedly, perhaps a bit later in the day. But certainly, my instructions are my sciences, despite the local composition, are reasonably optimistic that the site still could come forward. That's all I can say. I'm afraid at the moment so.

50:55

Okay, we did hear from your counsel, because you you were represented by counsel at both of the previous compulsory acquisition hearings. And they spoke at some length about the the the difficulties

with the borrower information. Is there anything you want to say? As far as that's concerned? I think you mentioned this as well in our compulsory acquisition hearing, too. But clearly, since then, for more boilerplate information has come in deadline five, I think. Has that given you some reassurance, an understanding of the the borrow pit information that came in? It's the summary report at rep five? Oh, 15? Do you feel a bit more comfortable? Or do your client feel a bit more comfortable that they now have sufficient information about the borrow pits?

51:59

Yes, I think the latest nation's national highways do provide a bit more clarity on the case that has been made. And I think we are we are a bit clearer on the position. Now. I think we just say it's a bit unfortunate that that information wasn't provided much earlier in the process. And certainly, the information that was provided with the application initially, it was unclear and somewhat contradictory. I think our clients would still say that there is quite a significant contingency in terms of the land being required. And the argument still stands that fill material could be sourced from our site, I think that's that that still stands as well as the uncertainty around the commons quarry, and about the volumes of fill material that may be actually required, and how that feeds into the case for it being sort of in the public interest to acquire quite the level of land that's being sought to. So I think those sort of general points still stand. But I'd agree some of the finer details around costs and volumes, I think were provided the more recent submissions.

53:10

Thank you very much, Mr. Thomas. I did Mr. Taylor. I don't know if you want to come back on anything that Mr. Thomas's has said. You'll be glad to see that. We do think that the rattle five oh, 15 does contain sufficient information. Although I don't think you're getting too many supporters of the fact that rep three Oh 23 Did quite provide to just or even more than the just as, as you suggested some way. But I think you do get over the line with your rep five Oh, 15. And since general acceptance there, but as far as a sorry, saying on behalf of Seegers. Is there anything you'd like to come back on?

54:01

So thank you, Reuben Taylor on behalf of National Highways, or whether I got over the line at deadline three or deadline five, as long as I'm over the line, I don't really mind. So I'll leave that one to one side. I'm grateful to Mr. Merz for the comments he's made this afternoon. In terms of the discussions that have been ongoing, but my understanding is that Mr. Thomas's clients were provided with heads of terms, I think, on the 26th of April. And I think we've only just got comments back, I could stand to be corrected on that. I think that's the position. So we we know that some of the backgrounds of the discussions that have been going backwards and forwards so I can't accept on behalf of national highways that were late in the day. There's some very detailed matters to be discussed, and we are progressing those and I'm grateful to Mr. Thomas and his client So the progress that's being made.

55:03

So if I could say I'll have to take instructions, but that that date doesn't chime with with me. I think it was slightly later that I can come back in that and writing. That sentence doesn't certainly wasn't when I understood. They originally obtained that I can double check that.

55:21

Okay, well, thank you. Thank you, Mr. Thomas, for joining us and making those representations which which are really helpful. And thank you, Mr. Taylor, as well for for responding.

55:37

Thank you, sir. Thank you.

55:45

Moving on now to the other affected persons. And we have got a battling batting order there. So I don't miss it a piano. Would you like to open the batting or at least follow on from Mr. Thomas and make make your representation Mr. Pierre.

56:12

Hello again. Yes, thank you, sir. Good afternoon. As you know, I act on behalf of David and Steven Bolton,

56:21

Hammonds estates and guest and limited. Obviously, I appeared at a previous hearing and you also had detailed written representations from us. I don't propose to repeat either the oral submissions or the detailed representations, but merely make probably four brief points. Firstly, we don't resile from any of our previous representations or submissions. Secondly, the level and nature of engagement or attempts by national highways to understand and address my client's concerns, David, meet the test in the guidance, the paragraph 25 that you refer to about negotiation. Thirdly, it remains the position that we regard the amount of land take and taking title as opposed to write etc, as neither being necessary or justified and therefore excessive, and consequently not proportionate. Having regard to the guidance. And fine, finally, just picking up on your opening comment. So it follows that in our view, it remains the case that the compelling case that has to be shown, has not been shown in respect of my clients land. And as I said, Sir, I refer you back to our previous representations. Thank you

57:58

for saying thank you, Miss fear. Are you sort of negotiations are ongoing between your client and national highways? Well, we'll ask them to comment in a moment. But as far as you're aware, to know, well, to your knowledge, is there anything happening at the moment?

58:14

But there has been some contact and some discussions, but I think my clients remain very frustrated about the level and nature of engagement.

58:26

Thank thank you for that. Mr. Taylor, would you would you like to come back on that?

58:37

Taylor a national highways. So I'm going to ask Mr. Dexter to take that.



58:45

Nick Dexter on behalf of the applicant. So with regard to I guess negotiation engagement, it's mainly been focused on trying to reduce the public land take and take lesser rights through agreement. And this has to be through agreement because there is a permanent changes to the land material changes to the land. And we've made some really good progress in terms of areas of where we believe through agreement we can take lesser rights and lock that plan. But as a number of iterations have been sent through to the agent and much on behalf of the Bolton's husband regular contact. You will also be where the change application removed a substantial area of land to the north of main road, which again was an area of concern for the Boltzmann family. So yeah, I believe we have made some really good progress. And in Excuse me, Sir, we've just got a brief follow on test

1:00:07

So Mr. Dykstra, had you had you finished? Oh, sorry.

1:00:14

Sorry, I haven't finished. But hopefully the file is not going to come back on. I apologize. If it does, just logically say, in terms of the like, say the main negotiation were in in relation to where through agreement, we could take lesser rights and not the freehold because there's material changes to land, but we made some some really good progress on on that. On the agent, the landowner hasn't been prepared to sort of negotiate and agree terms for the for the permanent acquisition of the land. Because essentially, they object to the the permanent acquisition of that land. So when So yeah, that that has been the main focus. But we continue to move that forward. And I think we're now very close to, to get into a point, so to instruct, legal to work to move those agreements forward.

1:01:11

I hear that mistakes, but that that's not going to help the examining authority too much, because one assumes we've only got, you know, less than three weeks before the end of the examination. We're not going to see anything that comes in after the examination Secretary of State well, but we won't. So is there likely to be any progress over the next until the 12th of July?

1:01:36

I'd hoped there'd be some progress. And we could certainly report that that deadline seven and and deadline eight.

1:01:49

Right. Mr. Pierre, is there anything else that you'd like to say beyond your four initial points?

1:01:56

I'm just one further point arising out of what Mr. Dexter said, where he talked about the willingness to reduce permanent lands take so that it was rights as opposed to permanent lung take that that open admission clearly proves my point about the lack of necessity, and the failure to meet the guidance on the statutory test. Thank you, sir.

1:02:28

Thanks very much for joining us today and your further representation. That's really helpful. Mr. Taylor.

1:02:37

So just to say in response to that last point, I'm sure it's just a mere oversight by Mr. peered but of course, the only way in which temporary rights can be negotiated where we're changing the land for his buyer and agreement. We can't acquire temporary rides, and change the form of land. compulsorily, we can only change the form of the land with temporary rights through agreement. And I'm sure he understands that and didn't mean to suggest that in the fact that we were agreeing to temporary rights. That means that we could, we could simply require compulsory advised temporary rights control. That was just an oversight on his behalf.

1:03:23

Yeah, thanks. Thanks for clarifying that. Mr. Mr. Taylor. 10 point point may well made. Right, I think as far as the Bolton family that probably deals with, with what they wanted to say. Thank you. Yes. Thank you. Thank you disappear. I think next in line was Miss Kingsley on behalf of Edmondson. Electrical. And before we hear from you, Mr. King, sorry, can we just ask in our questions, we are so and we did ask at the hearing on the the end of April, we did ask that a meeting might be facilitated between cadent and Edmondson electrical and Royal London and it's clear from the latest representation from Miss King see that this hasn't happened. So can performance Kingsley say anything can can we just hear from the applicant as to what's happened about this meeting with Caden? Because I think it would be very useful for everyone if they could at least hear what what Kaden had in mind, Mr. Goodwin Nice to see you again. Please update us.

1:04:39

Good afternoon, Andrew could ruin the whole for national highways. We have sent across relatively recently and included in deadlines six submission information directly from Cadence relating to the above ground installation sites. which I think was was the key points of discussion as to why it isn't practical to go through that site. Should that not be sufficient? Then we will, again, reach out to cadent with the intention of setting up a meeting between all parties.

1:05:21

Yeah, thank you. Mr. Goodwin. I think I'll just make the point before Mr. King, so you makes it that we did specifically ask at the end of April, if a meeting could be facilitated, and you know, bear in mind that they're doing the work. That would seem quite important. So it's a little bit surprising. There hasn't been progress on that. But anyway, over to you, Miss Kingscliff, we could hear from hear from you with your comments.

1:05:49

Thank you very much, sir Nicole Kingsley Pinsent Masons on behalf of Royal London and E L. here just to respond before I go on to the representation in relation to that point. We need an a meeting with Qaeda. And actually it comes up in relation to what's still outstanding, because as you say, sir, they are the ones that are carrying out the works. And until we know, what their level of use impact etc, is, where we're not able to say how to manage that. And it does provide quite a big gap in the level of information. So it wasn't necessarily just in relation to whether or not you could access the site through

their own land to do the work for the gas diversion pipe. It was also in relation to the logistics, and fundamentally, whether or not and this goes to the crux of the issue. Whether or not this access site is sufficient and capable of being used for the purposes for which it's intended to be used. And we're still not clear on that. So it would be really helpful if examining authority, if national highways could organize that meeting as soon as possible. Bearing in mind, we've only now got a number of weeks before the close of the examination. So just turning out what no doubt we'll come back to that. But just turning on as you know, so we have made a number of representations. Similar to shoosmiths submission, there are discussions ongoing, we have been provided with draft heads of terms. We have earlier today responded in some detail, back to national highways with our comments on those draft heads of terms, we are therefore not near an agreement or indeed starting to progress, the agreements, plural, that are required here. Because there are a number of various interest, including easements, temporary access rights, etc, that are required. So a number of different documents that we need to progress. And we are concerned therefore, that there isn't much time left in the examination. And we have raised a number of concerns. And as I said, fundamentally, the issue is about the access that is proposed not being sufficient for the purposes for which it's required. And it's therefore very difficult to determine the full extent of the impact. And whether or not the access proposed is sufficient without engagement from Kayden. And I have seen that correspondence that was referred to in relation to Kayden not being able to use their own site. But that correspondent itself raises some questions and supports our position in terms of whether or not our site itself is capable of providing sufficient access. And at the moment, just to go back to the examination and where we're at, at the moment that draft DCA, as it stands has no protections for our clients at all. So in terms of the access through E L, it would be excluded, it could be exclusive use, notwithstanding the promises that have been made in relation to the non exclusive use and the promises in terms of mitigating the impact to one of my clients interests. Clearly, I'm representing two clients here. And there are different interests that we're speaking about. And we have proposed various mechanisms for protecting our clients position, including provision of additional management documents, because at the moment, for example, the transport management requirement only relates to the A 12 works doesn't relate to the gas diversion. And so that was one of our suggestions in relation to before those rights are able to be utilized that submission of management including traffic management is required to be submitted for approval, so that we can see because we haven't had an engagement with Kayden we can see and then liaise in terms of what the impact is and how to properly manage that impact. So so until we have either progressed to a point with the agreements and the various agreements, as I say it's more than one, we must maintain our objection. And and in the meantime, if we're not able to progress with the agreements, and we direct you back to our previous requests in relation to the additional requirements, to be added to the DCO, in order to provide some level of protection, and then additional information in relation to the gas diversion, and it's not actually just the gas pipe diversion, I think we haven't really discussed very much in terms of the overhead cable as well, that needs amending. It's not really come up. But it is an additional workstream that is required on which affects my clients, Landon's its interests. And we are happy to provide additional updates deadlines seven or and or deadline eight. But I do think that further engagement is required as between the parties to reach a position and before the examination closes. Thank you, sir.

1:11:21

Thank you very much for that. Mr. Goodwin or or whoever is going to speak with the applicant. I mean, Edmondson and Royal London have probably at every deadline been been making sort of similar

points. So it's a bit disappointing that it hasn't progressed beyond this, this late stage. Is there anything that you can do to ease the way over the next three weeks? Mr. Taylor,

1:11:52

I see you. You've come up? Yes, sir. Reuben Taylor, national highways. There's a lot of detailed points that Miss Kingston is made there very clearly, to which Cole will respond in writing. In terms of taking things forward. Obviously, the issues here don't just involve national highways, there's another party. And we will, we've been doing what we can do to facilitate matters. We'll continue to do that. And we'll see where we can where we can get to a, we've all heard the points that you've just made. We've heard the points of basic into these made, and we will take those on board. We'll pass those on to to cadent, as well, and see where we can get to that. I think that's probably all I can say at the moment.

1:12:46

Mr. Myskina? Is there anything else you want to add at this stage?

1:12:52

And thank you, sir, just to say that the rights are being granted to national highways rather than Caden and national highways and then pass them on is as I understand it. And so I think we do need to do more directly with national highways to get to an appropriate agreement within the timescales and for national highways to get Kayden involved and engaged in those discussions. Thank you sir.

1:13:20

Thank you for that. And as I say you've made similar points virtually every deadline on this so it would be it'd be really hope that national highways could progress this occasion clearly own an adjoining site so there should be surely it's in their interest to take this forward as well. So you know, after after this length of time it's it is a bit disappointing that there hasn't made some more progress on this but fingers crossed, something might happen over the next two or three weeks. Okay, well thanks very much Mr. Kinsey for joining us and for making those points that that's very helpful right, moving on, now down down my list. There will there are two or three people who didn't seem to to be here who they had asked to speak there was Mr. Mahoney another call for you

1:14:38

Mr. Mr. route for the Buchanan family. Okay, I think we got Mr. Mr. Cote for church Manor estates.

1:14:53

Yes, that's correct, sir.

1:14:55

Right. Good afternoon. And thank you for joining us. Yep. What would you like to say Mr. Clegg.

1:15:02

Good afternoon. My name is Matt cloak. I'm the development director at church Manor estates. I'm also joined by Oliver Lucas of strutting Parker, who, together series property Jordan instructed in representing a consortium of landowners who between the Mon remained development land, known

as Gershwin Park in Witham and church Manor, have been the landowners development partner since 2010. On that, and we have a legal interest in the land by waiver development agreement. I will very brief explain what Gershon Park is it's a strategic westward expansion.

1:15:39

Can I Can I just stop you mister? Yes, of course, you say you've got a development agreement? Are you sure that gives you an interest in in the land in this case? Because I'm, I think I think we're quite keen to establish whether church manner is an affected party or affected person or or whether it's just an interested party, your development agreement? As I say, Are you sure that you have got an interest in the church matter? I've got an interest in the land.

1:16:12

That is my understanding, sir. I'm not a lawyer. But that was my that was my understanding of the situation.

1:16:20

Okay, well, I'll I'll just ask that you you take that query away and speak to your lawyers about it, because we haven't we haven't heard from you before. And I'm not quite sure what what the standing is in as far as this examination is concerned. But anyway, please proceed.

1:16:45

Your apologies. Yes, I will proceed. Essentially, we're here today, to reiterate our concerns that we have previously made in writing and to we maintain our our objection, we have a to two parcels of land that are potentially affected by the scheme. The first one is known. We call it plot one, which is to the north of the a 12. And I can give you the the individual land reference plot numbers, if that's helpful. But in broad terms, it is a parcel of land, which is allocated both of the local plan for development and there is also benefits from an extent outline planning permission for employment development. We have engaged with national highways, ever since the original section 48 notices were issued in June 2021. Because we had concerns about the extent of the impact of the widening scheme on currently consented development. And in very broad terms, it takes up about point three, or nearly point four of a hectare of allocated development land. The basis of our objection is that there doesn't really seem to be any real justification from national highways as to why the extent of land is is required. As I say, we have engaged with them on numerous occasions to date, and receive various undertakings that the matter would be looked into to see how the the design of the A 12 widening country could be adjusted to mitigate the land intake. We will probably start on numerous occasions only to receive the answers shortly before the examination started that they had decided not to look at that matter after all. So our our key objection is the same that we had over 18 months ago. We do not believe there is any technical reason why why the the design could not be slightly adjusted to mitigate the effects. We there doesn't appear to be any assessment made by national highways of the the cost to the project in terms of compensation and also in this particular case, injurious affection to the remaining land versus the costs that may be incurred to mitigate the the widening. We so we're not we don't believe any estimate has been made as to whether the current layout represents best value to the taxpayer. We don't believe any, any assessment isn't being made on the impact to Braintree District Council of the the loss of land that is allocated in the local plan for for development. We so we are we would still like to uphold

our risk Objection, because we firmly believe that that objection could be overcome with proper engagement with national highways, and a proper assessment of whether whether it is more economic to actually mitigate the impact on our development land, by changing by changing the scheme. I'll hand over to my colleague, Oliver Lukas, if I may, who has a comments to make on a piece of land in the same land owners ownership, but whether a temporary recording rights being requested to be acquired, I should be clear that that we church manner do not do not have any interest in that parcel of land shall pass over to to Oliver.

1:20:44

Before before you do if I if I could just interpose if we saw the representation, it's our own at that Strutton Parker put in at the outset. But how has church man made a previous representation during this examination, apart from the Strutton Parker are at how have you actually made another representation separate representation to us?

1:21:15

So not during the course of examination, we made representations prior to the examination, which we had understood would be carried forward into the representation. I didn't examination I do beg your pardon.

1:21:29

Right. Well, perhaps we can we can ask Mr. Lucas about this in in a moment. But just while we we've got your while I've got you, Mr. Pope. You mentioned about it's been allocating the local plan for development?

1:21:46

Yes, sir. That's correct.

1:21:49

So this is the recent local plan that has been adopted?

1:21:54

Yes. This is part two of the brain tree local plan that was adopted in July last year.

1:22:00

And do you happen to know the allocation in that plan?

1:22:03

It is for employment, employment development, right.

1:22:16

And in terms of the book of reference, can you do you happen to know offhand

1:22:23

the relevant referenced that's in there for this for this relevant piece of land?

1:22:29

It will, it's made up of a number of parcels, but I do have those to hand serve that would be assistance. So they are

1:22:35

rather that rather than Okay, through because you're probably going to talk quicker than I can, right. Is that something you could submit by deadline? Seven, the those reference numbers for that for the book of reference, and also the in the local plan, the brain tree local plan, the reference in that because, clearly, we've been looking at the Braintree local plan quite closely throughout this examination. So it'd be quite useful if you could direct us there to the reference in the local plan as well. So if you could make a submission by deadline seven, which is actually next Monday, that would be really helpful for us to be able to try to pick the pieces of land up.

1:23:22

Yes, sir. We have absolutely no difficulty with that at all. We will make sure that happens by the by deadline seven.

1:23:28

Right. Thank you so much for that. Okay, you asked to pass on to Mr. Lucas from Stratton Parker. So hello, Mr. Lucas, nice to see you again. Yes. Please go ahead.

1:23:40

Good afternoon. Yeah, so

1:23:41

I believe my colleague, Matt has actually summarized the majority of the points, I thought I'd just highlight the areas with regards to the recovery yard plot as identified within national highway scheme plans. The scheme proposals have and will continue to impact and delay, as identified has consented and allocated development land from being developed for a number of years, which is currently uncertain, by holding it in effective limbo until such time that is no longer required by national highways. We were asked by highways and their agents in 2022, to provide them with some proposed with proposals on behalf of the consortium to enable them to utilize the land for the required purposes. in good faith, these polls were prepared and submitted to which responses we have found to be relatively slow and we have not received yet a counteroffer. Despite being requested. This has led us to feel that highways at this point in time do not want to find an alternative way forward with regards to take on the agreement. But instead want to wait for receipt of the CPO powers to enable them to acquire the temporary rights that they require to use the land has proposed. We'd like to reiterate that the landowners the consortium remain willing to try and agree a sensible way forwards with regards to this issue, including lease of the land national highways for the duration of the requirement of it, but well From a counteroffer to enable discussions to take place with a view to making progress in regards to this issue.

1:25:07



I'll ask national highways to respond in a moment. But if I could ask you the same question I asked Mr. Cloak, I've got your representation at our at Where were you, you were representing a number of the Gershwin Park landowners? Has there been a further representation since then?

1:25:30

I apologies, I will have to go back and review our files. I don't know if we've submitted a further representation since then I believe I'll have to go back through and review and then I'll speak with Matt, I was serious as well, to ensure that we can submit further reps for deadlines. Seven, just to reiterate those points.

1:25:48

The I think the point we'd like to make is that the representation or at basically said you got clients for the land interest, and there were discussions ongoing, but you weren't happy. But that's all I think that examination examining authority has got. So, you know, we're getting pretty close to the end of the examination. And, you know, this is something where we're not really too sure what the issues here are, because we're hearing them almost in euro and it's a bit difficult. And I don't know what Mr. Taylor's gonna say in a moment, whether whether or not they're aware of the latest position. But Mr. Taylor, do you want to add anything to that?

1:26:40

RUBIN Taylor national highways. So I'm going to pass that matter on to Mr. Pearson by May I think he'll is probably best place to respond.

1:26:50

Simon period valuation office, I'm happy to, to respond. We've obviously had ongoing discussions, I think if I try and simplify it, in terms of the actual permanent land acquisition, while the landowner agents hasn't agreed those values, I've put forward values actually adopted. I've certainly put an email I'm willing to accept the agents assessment of development value. So in terms of the permanent acquisition, reserving obviously the injurious affection to any retain London figures have been put forward and correct me if I'm wrong all the time. And I think while you haven't agreed them, I've I've come back and said that I would agree. You're certainly development London figures. So I think there is some positive there accepting that the temporary possession of the will be the traffic management compound is a bit more of an issue. I think that's essentially a valuation issue. It's a rough piece of land that we're going to temporary occupy. And I think in terms of what the loss will be, which is what I'm trying to assess, is really for, for you, as a suppose as agent and developer to quantify what that loss is going to be because at the moment, it's not developed, it's enough land. I don't know figures have been put to us on the basis of a commercial established commercial compound, which would fairly substantial figures. But the position is that all I've said is, can you just confirm a rationale for the for the loss here, because it's very difficult to to assess something that may be developed in two years time or four years time, or five years time. So I think in respect of that particular plot, it's a valuation issue. And I've just asked if we can move that forward with some, some figures in terms of that possession of a land for the period, national highways required.

1:28:44

Thank you, Mr. Pitt. And obviously, you're making submissions to the examining authority here, rather than having an open discussion with the, with the landowner. My difficulty is that, can you help me if I if I look at the rep six are at the status of negotiations of compulsory acquisition shedule? Where am I looking here? Because I think we're all this side of the table a little bit in the dark as to which bit of land we talk about which we shouldn't be

1:29:16

getting and witness as how I know those plots.

1:29:21

Any idea what number that is? Sorry, let me just.

1:29:32

58 sorry, 858.

1:29:36

We can only deal with evidence before us. So any discussions that have gone on between the landowner and the applicant is something that we really don't see. Now, this is something that we've got before us number 58.

1:29:58

So it says is it And Hewitson squat squat. Is that am I looking at the right one

1:30:05

is number 58. So strong 5056 Yeah. Jane Gooding and Josephine Roberta unwritten?

1:30:14

Yes. Yeah. Okay, so that's number 58. Yeah. Okay. Well, I, I will have a look at that because this, as I say, we can only take into account evidence that puts before us. The only evidence I've got at the moment, I think, is our our Oatey, which is the original representation from from Stratton, Parker. And rep six. Rep six oh, 80, which is the the updated compulsory acquisition shedule. So, apart from that, I don't really know know much of what's been going on. So just make that point. I think we're gonna have a break in a minute. And I think we'll take a break for Yeah, can we take a break until 345. And in the break, I'll have a look at that number 58. And I will come back to Mr. Koch or Mr. Lucas, or Mr. Pierre to if if anything occurs, as a result of that. And then after the break, I'm going to ask again, if there's any interested parties that want to make representations, and obviously go back to to Mr. Taylor as well. And also got Mr. Lindsay to, to pick up on. So perhaps if we pick up Mr. Lindsay, sorry to keep you waiting, Mr. Lindsay, be very patient as we pick you up at 345. And then I'll go back to to what we're talking about number 58. What we've just been discussing, and leave it like that. So this meeting is now adjourned until 345.