

TRANSCRIPTION_A66_CAH2_SESSION1_01 0323

Wed, Mar 01, 2023 5:06PM • 1:33:29

00:53

Good morning. Hello hear me clearly. And can I confirm the live streaming of this event has commenced? Thank you. It is now 10am and this compulsory acquisition the hearing in relation to the application made by national highways for the proposed a 66 Northern trans Pennine project is now open. My name is Neil Humphrey. I'm a chartered Civil Engineer. I am an examining inspector and I've been appointed by the Secretary of State to be a member of the panel of inspectors to examine this application. At this point, I'd like to say that Mrs. MILLIKEN is not available today, so will not be joining us. If I can first ask my other colleagues to introduce themselves.

01:42

Yes, good morning, everybody. And welcome back to everybody that we've met before. My name is Richard Allen. I am a charter town planner, and I've been appointed by the examining for the Secretary of State to be the lead member of this panel to examine this application. Good morning. My

01:57

name is Steven Roscoe. I'm a chartered civil engineer and I've been appointed by the Secretary of State to be a member of this panel as an examining inspector.

02:05

Together we constitute the examining authority for this application. For those here in the venue, you will have met bought Barco viac, who is a case manager for this project. He is supported by Catherine alone and the case team at the planning Inspectorate. For those who have joined online and been present in the arrangements conference, you will have been introduced to Stephen Parker, assisted by Kalen Atkins. Before we consider the items on the agenda, we'll need to deal with a few housekeeping matters in general observations, I will try to get through these as quickly as possible. Firstly, I'd like to say a few words on the general data protection regulations. You will note for an examining authorities letter of the 17th of October 2022 PDO six, which we will refer to as a rule six letter that this event is being recorded, as well as being live streamed to interested parties who requested this, the digital recordings are retained and published, they form a public record that can contain your personal information, and to which general data protection regulations applied. The planning Inspectorate practices to retain and publish recordings for a period of five years from the Secretary of State's decision on this application. Consequently, if you wish to participate in today's hearing, it is important that you understand you will be recorded, and that you will therefore consent to the retention and publication of the digital recording. We will only ever ask for information to be placed on the public record that is important and relevant to the planning decision. It will only be in the rarest circumstances

that we might ask you to provide personal information of the type most of us would prefer to keep private or confidential. Therefore, to avoid the need to edit the digital recordings, what we would ask is you try your best not to add information to the public record that you'd wish to be kept private or that is considered confidential. Does anyone have any questions with regards to this matter? No, thank you. Examining authority has decided to hold this compulsory acquisition hearing because we wish to discuss matters concerning the compulsory acquisition of land and to ensure that any affected persons have the opportunity to make oral representations should they wish to do so. The purpose of today is for the examining authority to examine the information submitted for both the applicant and also by affected persons and others. As a result, I would like to reassure you we are familiar with the documents that you have sent in. So when answering a question you do not need to repeat at length, something you have already been you have already submitted. If you want to refer to information already submitted, I'd be grateful if you could give the appropriate planning Inspectorate examination Library Reference Number could ask that First time you use an abbreviation or an acronym, that you give the full title, there will be people here today or listening on the audio that may not be as familiar with the application or the documents as you are. The hearing today will be a structured discussion which the examining authority will lead based on the agenda that has already been published. For the purpose of identification and ease of reference, could I ask at every point in which you in which you speak, can you please give your name and whom you represent? We are conducting this meeting in accordance with section 92 and 94 of the Planning Act 2008. And the infrastructure planning examination procedure rules 2010. Specifically rule 14 relating to procedure at hearings, you are reminded that section 94 Eight of the 2008 Planning Act, allows the examining authority may refuse to allow representation to be made at the hearing if the examining authority considers that the representations are a relevant vexatious, frivolous, relate to the merits of policy set out national policy statement, repeat other representations made in any form and by any person or relate to the comprehend compensation for compulsory acquisition of land or have an interest in all right Overland. This, this hearing is being recorded the only official record of proceedings is this recording, which will be uploaded onto the inspectorates website as soon as practicable after the hearing tweets, blogs and similar communications arising after this meeting will not be accepted as evidence. In the examination of this application. I would like to now turn to the agenda. The agenda for this hearing was published and placed on the inspectorate website on the 22nd of February 2023, which followed the publication of a high level agendas on the 31st of January 2023. We consider the main items for discussions our summary of development consent all the provisions, human rights and duties under the Equality Act 2010. affected person representations, review of compulsory acquisition or the matters which affected persons wish to speak on and any other business. We have a list of the parties who have requested to speak under the above items and were invited to speak at the appropriate moment. However, should an interested party wish to raise a question on another scheme? Examining authority we'll hear that at the end. The agenda is for guidance only. We may add other issues for consideration as we progress. We will seek to allocate sufficient time for each issue to allow proper consideration of them. We will look to take a break at around 1130. If a medical other reasons anyone requires a break at a specific time, could you please let the case team know and we will hopefully adjust the program to meet our needs. Depending on time, we will look to break for lunch around 1pm and examining authority will decide how long that period should be when the time arrives. We will also take an afternoon break around 3:30pm. Should the consideration of the issues take less time than anticipated. We conclude the hearing as soon as all relevant contributions have been made and all questions asked and responded to. Equally.

If the discussions are to take longer than anticipated, it may be necessary for the time to be extended or alternative. Alternatively, prioritize matters and defer the matters to written questions. Finally, it is important that we get the right answers to the questions we're going to ask. As I've mentioned several times this morning, it's predominantly a written process. Therefore, if you cannot answer the questions that are being asked or require time to get the information requested, then rather than giving a restricted or potentially wrong answer, for the smooth running of the examination, can you please indicate that you need to respond in writing and we can defer the question to the next round of the written questions or a later hearing. Are there any questions at this stage about a procedural side of today's hearing all the agenda? No. Does any work party wish to cross? Sorry. Finally, this is a hearing and not an inquiry and therefore unless the examining authority have specifically requested or agreed to it, there will be no formal presentation of cases or cross questioning of other parties. As such questions that you may have for other parties need to be asked through the examining authority. This approach is set out in Section 94 of the Planning Act 2008. Does any party wish to cross question? For those persons joining online, you may switch your cameras and microphones off if you're not participating specifically in a discussion. Should you wish to raise a question, please raise Microsoft hands teams function when invited to speak. Please switch your microphone and camera on. For those people watching the live stream, can I advise you? Should we at any point break these 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 a meeting and restart the live stream. You will need to refresh your browser page to view the restarted stream. I will remind you of this again, Should this occur. To help us conduct this meeting. I'd like to go around the people in the room and ask them to introduce themselves and who they represent. Can I start with the applicant please?

10:43

Sir, thank you. Good morning. My name is Robbie Oh, in from Pinsent Masons here today representing national highways limited the applicant together with my colleague Mrs. Heidi Slater on my left hand side.

10:57

Thank you, and we'll do those introduce themselves as they need to speak. Could we go round to the council's please?

11:09

Michelle spark and partner at Ratner's on I'm acting on behalf of Cumbria County Council today only. Thank you

11:28

My name is Michael Walton. I'm a chartered surveyor and my firm Walter Goodland. The managing agents for this guy is going to state Thank you. And this morning, my client Mr. Dr. Leeming is with me

11:45

my name is Tim Parsons from h&h London estates representing the collectively the trustees of the wind was 1989 settlement.

11:54

Thank you. Are there other people in the room who wish to speak this morning? No, thank you. For those online we have a list of attendees in a team meeting and I will not at this stage ask you to introduce yourselves. I would though ask when you are invited to speak please turn your camera and microphone on and introduce yourself and who you represent. There are no fire alarm tests planned for today. If you hear the fire alarm, please leave the room by the nearest signed fire exit. There is one behind us in this room, and our to the other end of the room, including the door you will have come in. I would like to now move to Agenda Item two on the summary of DCO provisions. I will now pass to Mr. Roscoe.

12:40

That Thank you, Mr. Humphrey, and then to agenda item 2.1. This is the applicant to set out very briefly which DCO articles engage compulsory acquisition and temporary possession. The purpose of this item on the agenda is really Mr. Owen just to set the scene, if you could do that briefly just working through them please.

12:58

Sir, thank you, Robin for the applicant national highways. The key articles in the draft development consent order the DCO are referred to as which engage powers a compulsory acquisition and temporary possession are as follows. Dealing first with compulsory acquisition powers, article 19 provides for the compulsory acquisition of land and it applies to all pink and blue land so colored on the land plans. And article 19 is subject to a number of other articles set out article 22 dealing with the compulsory acquisition of rights and restrictive covenants 27 dealing with the acquisition of sub soil etc only and article 29 dealing with the temporary use of land. So article 19 is the main provision for the compulsory acquisition of land. In addition, article 22 provides for the compulsory acquisition of rights over land and restrictive covenants. Article 27, as I just mentioned, makes special provision for the acquisition of subsoil and similar interests only. So those are the main provisions article 19 22 and 27. In relation to compulsory acquisition, turning to temporary possession. The main provisions of that there is article 29, which provides for the temporary use of land for constructing the project. And that is the land identified in shedule, six to the draft DCO, which is colored green on the land plans. And then article 30 provides for the temporary use of land for maintaining the authorized development within certain parameters. So those are the main provisions, which I hope is sufficient detail for now.

14:51

Mr. Owen, thank you. Thank you very much. In terms of those DCR dcl articles that have just been set out, we'll obviously deal with them in detail when we come to any representations made by affected persons if they're relevant to those representations, Australian that completes agenda item 2.1. If we could just move on to 2.2. Are there any other provisions in the draft dcl relating to compulsory acquisition and temporary possession?

15:17

Thank you. So Robin for the applicant National High was limited. So there are indeed other provisions in the draft DCO relating to compulsory acquisition and temporary possession, and I'll just list them, if I may, briefly, because they are quite a lot of them, and they're very technical in their subject matter. So

article 20, deals with what's known as the minerals code in the context of compulsory acquisition of land. Article 21, provides a time limit for the exercise of powers to both acquire land compulsorily, or indeed to possess land temporarily. Article 23 makes provision for private rights Overland. Article 24 similarly makes provision in relation to a power to override easements and other rights Overland. Article 26 makes a number of modifications to part one of the compulsory purchase act 1965, as it will apply to the compulsory acquisition of land under the DCO. Article 26 applies the provisions of the compulsory purchase vesting declarations act of 1981 with some modifications, article 28 deals with rights over or under streets. Article 31 makes provision in relation to statutory undertakers interests in the context of compulsory acquisition of land, as does article 32, specifically in relation to stocked up streets and what happens there to statutory undertakers apparatus and related rights. Article 33 makes provision for the recovery of costs of new connections in relation to utilities made necessary as a result of the scheme. Article 34 makes provision for what is known as special category land, which allows the provision of replacement land and exchange for essentially open space land that is proposed to be acquired under the order. Article 35 provides nothing in the DCO allows the applicant to take or in any way affect Crown land without crown consent. And finally in relation to compulsory acquisition, but why deal with compensation briefly, article 36, provides for the relocation of rough Hill fair to a replacement site identified in the draft development consent order. And then so there are just three provisions dealing with compensation, which are again just mentioned, article 37, provides for the lands chamber of the upper tribunal to disregard certain interests in an enhancements to the value of land. For the purpose of assessing compensation payable for compulsory acquisition in certain cases, article 38 deals with set off or enhancement in the value of retained land setting off from the amount of compensation due to land owners and occupiers. And article 39 provides that compensation is not payable twice, in effect, preventing no double recovery. Those are all. Indeed, all of those provisions I've mentioned. They're all very standard. But they've been updated where necessary to reflect updates in underlying legislation.

18:41

Mr. Owen, thank you, in terms of the affected persons present, and online. The reason for doing that was just to briefly run through the relevant articles in the DCO, if you may, you may wish to look at the recording of the hearing after was because it provides a useful overview if you like all of the relevant parts of the DCO to today's hearing. Australian thank you again. That was it in terms of agenda item 2.2. On to agenda item 3.1. Now, applicant to explain briefly, articles one, six and eight of the European Convention on Human Rights, and also any duties it has under the Equality Act 2010. Australian Thank you, Heidi Slater. Slater. Thank

19:25

you, the applicant. Thank you. The applicants consideration of Article One of the first protocol and articles six and eight of the European Convention on Human Rights. They refer to that as the ECHR. And how those convention rights are assessed and dealt with in relation to the project is set out in the applicant statement of reasons, which was most recently submitted at deadline to with the reference rep two zero 12. So to recap, article, one of the first protocol protects the right to peaceful enjoyment of possessions and No one needs to be deprived of their possessions except in the public interest. Article Six, entitled those affected by compulsory acquisition powers to a fair and public hearing, and article eight protects the rights of the individual to respect his private and family life, his home and his correspondence. Interference with this rights can be justified if it is in accordance with the law, and is

necessary in the interests of among other things, national security, public safety or the economic well being of the country. Paragraph six point 2.3 of the statement of reasons sets out paragraph 10 of the government's guidance on compulsory acquisition, which States Secretary of State must be persuaded that the purpose for which an order authorizes compulsory acquisition are legitimate, are sufficient to justify interfering with the human rights of those with an interest in the land and regard must be had to Article One of the first protocol and in the case of the acquisition of a dwelling, Article eight. So in terms of the project and Article One of the first protocol, we appreciate that the delivery project would result in his parents with the peaceful enjoyment of possessions through the dispossession of land. And the applicant considers however, that such interference would be in the public interest because of the public benefits that would be realized if the project were to be delivered. The applicants compelling case in the public interest is outlined in chapter five of the statement of reasons. And in the case of the project reference, which is a PP double 08. And where compulsory acquisition powers are sought at these are the minimum necessary to secure delivery of the project based on the available knowledge and understanding of the project requirements. At the time of the preliminary design stage of the project. As we discussed in compulsory acquisition, hearing one, the extent of land shown on the DCO plans, as being required for compulsory acquisition purposes represents a worst case scenario. And once more information becomes available. As the detailed design of each scheme has progressed, the applicant will be able to refine its knowledge and understanding of what land is required. And once finished with that knowledge will only acquire the land is actually needed to deliver the project. And this is the point at which the condition or the test in subsections, two a and two B of section 122 of the Planning Act 2008 must be met insofar as the land can only be acquired if it is required for the development or if it is required to facilitate or is incidental to that development. The interference with human rights protected by Article One of the first protocol which we acknowledge would arise if the project is delivered, is therefore considered to be both proportionate and justified. In terms of Article Six, which entitles those affected by compulsory acquisition powers to a fair and public hearing, the applicant and the applicant I could pardon is confident that proper procedures have been followed during consultation on the emerging project proposals and in determining the need for compulsory acquisition powers. The applicant has carried out extensive statutory and non statutory engagement and has provided those directly affected by the project, as well as the wider public with opportunities to comment on his proposals. The outputs of this engagement are reflected in iterative design changes to the project. As the project goes through the examination stage of the process for applying for development consent, people will have a right to participate in the examination as they are today. And should development consent be granted by the Secretary of State in due course, they will also have a right to challenge that decision by judicial review. We therefore considered that the convention rights which article eight seeks to preserve our property protected protected by the procedural requirements which are prescribed by the Planning Act 2008. And two, which the applicant has had to do regard in terms of Article eight, which protects the rights of the individual to respect for his private and family life, his home and his correspondence. We know project does affect some residential dwellings. The applicant has therefore sought to acquire as early as possible any properties which will be severely affected and impacted by these proposals. And this includes the acquisition of several properties located on the proposed route of the project. The owners of these properties submitted blight notices which were accepted by the applicant and they've now been successfully moved and re housed. I do have a list of the properties in question if you would like me to go through that. Okay. There are other parties with whom the applicant is currently negotiating terms for relocation and those are progressing.

But again, I can provide details in a post submission hearing narrative that would be preferable. Yes, please. So, to sum up, the Africans view is that the project's interference with human rights protected by the convention is justified on the basis that it would be lawful proportionate in the public interest, given the public benefits which the project would deliver. In terms of the second part of the agenda item, duties of the applicant under the Equality Act of 2010, which we refer to as the public sector, equality duty, P Sed. The applicant is subject to this duty under Section 149 of the Equality Act 2010. And must therefore, in the exercise of its functions have regard to the need to eliminate discrimination, harassment, victimization, and any other conduct that is prohibited by or under the equalities act 2010. It must advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it. And for reference, protected characteristics are age disability, gender reassignment, marriages and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. And the applicant must seek to foster good relations between persons who share a relevant protected characteristic and persons who do not share it. The public sector equality duty applies to public authorities in the exercise of their functions. Public authorities defined in Section 150 of the equalities act 2010. As a person specified in schedule 19, both the applicant and a minister of the crown are listed in part one of schedule 19. So both the applicant and the Secretary of State are required to have due regard will accept any quality duty, which they do through this process. The applicant is also carried out in the equalities, Impact Assessment, which is part of the application documentation. Document references a pp 243. I could go into more detail about what's been covered in the AQA or your preference, we can put it in a post hearing submission. Thank you.

26:53

So we were intending to say,

26:55

Thank you, Mr. Slater, in terms of the affected persons present. And I should just at this point, say that I believe that Dr. Martin has just come into the room, I wonder if I'd give you a couple of minutes. But then if you could introduce yourself, when I just get to the end of this particular section, in terms of the affected persons present, that's given a brief run through of the matters relating to the European Convention on Human Rights and the equalities act. I'm not looking for any responses at the moment, because any any matters relating to that will come out in the representations that you are likely to give during the remainder of the hearing. So I don't have anything else. And agenda item 3.1. What I'll do, I'll just give a moment now for our new arrival just to just to settle. And Dr. Martin, I wonder if you could just briefly introduce yourself because previously, obviously, everybody else has done around the table.

27:50

Right? So I'm so sorry, I'm late. And I'm not joking, but I'm not used to driving very much. And I was driving around in circles, and for various domestic reasons had to leave late. So I'm Merica Martin, and I'm the daughter of the owners of low Broomberg. And which is going to be very much affected by the designs for the language function.

28:17

If I could just come in at that point. It's really just an introduction to say who you are and who you're representing.

28:22

Sorry. Okay, I'm representing the residents of Lobo Emmerich. And also, I'm very involved with the walker parish council campaign Liaison Group and like you have our own group. Thank you very much great language campaign group theory. Thank you.

28:38

Right, so we had got to the end of agenda item 3.1. On to agenda item for now and 4.1, which is affected persons who requested a compulsory acquisition hearing. wanted what I wanted to do, first of all, is just to set out the Mr. Owen, I saw your light come on, is there something you wish to say?

28:59

So thank you, Robin, for the applicant. So before we move on, can we just be clear in relation to the previous item that Mr. Slater dealt with just in terms of the additional detail that you would like to see in our post hearing submission? Just so we're all clear, I think there are two aspects when there were Yes. First, the negotiations that have taken place, more detail on those and secondly, more detail relation to the particular issues that the equality impact assessment deals with?

29:33

Yes, yes, there were. There were two individual situations where in the recording, you'll hear me say thank you to the offer of those. Those were the two and they weren't Yes, thank

29:41

Thank you. So I just want to be clear on that and get to that. Thank

29:44

you. Right returning them to agenda item for this is representations from affected persons. There are a number in the room and there are a number who are online. I just wanted to I set out how as a panel, we would best like to hear from the people involved. First of all, I think we'd like to deal we would like to deal with the local authority aspects and then deal on to individual persons. So there's Spark, you would be the first one that would wish to hear from. Mr. Walton. I wasn't sure whether you were representing Eden District Council or not, it has actually come out below you on the attendance

30:33

sheet as well. Yes, we're missing me earlier. I should have said that. I'm also here today on behalf of Eaton District Council. Thank you, insofar as what you need to say.

30:42

Thank you very much. I just caught them that because you were turning to look at me which you of course, of course, would it possibly wasn't catching the microphone. So it is quite important that you have the microphone in line with you where you're speaking if you'd like but thank you for that. So in terms of even District Council, then we would come to that next. And in terms of North Yorkshire Council, I believe that North Yorkshire Council are online is a representative of North Yorkshire Council online.

31:16

There is Michael Reynolds, North Dakota County Council and Rishikesh the District Council. We don't have anything to say on the site at the moment.

31:24

Right. Thank you. Thank you.

31:33

And I don't believe there's anybody present from Richmond, sir richmondshire District Council.

31:41

So just to be clear, Michael Reynolds, on behalf of North Yorkshire county council and Richmond District

31:46

are right. Thank you. Thank you very much for that. I missed that. Thank you. Thank you. And then on to other affected persons, then I understand that Miss Caroline horn is online. Wonder if you could just Yes, response. Yeah. Thank you very much. So you are the I would hear your next. Okay. And then, Mr. Walton, I would return to you in terms of Dr. Leeming. And I also understand that you may be possibly representing Mr. John Arthur Heath. Do you wish to speak on that matter or not?

32:22

Sir? No, I don't wish to speak on behalf of Mr. Heath. We were not objecting to the CPL in that regard. Thank you.

32:32

Then I have Mr. Tim Parsons. Thank you. And then I have Mr. Salvin. Who is online? Sovereign if you could just respond to check that the line is okay. Yeah, that's all okay. Thank you very much. And I don't believe that Ms. Nicholson is present online. Now, I've had no response from that. And then W. Martin. You've just introduced yourself from the room present in the room. Thank you. So in terms of that order, then what I will do, I will go through I will ask you how long you think you wish to be in terms of your representation. I'll give the applicant the opportunity to respond at the end of your representation. We as a panel may have questions either as you go through your representations or at the end. So the spark, first of all, how long do you think you'll be in terms of Cumbria county council? No more than a minute. Thank you

33:46

shall spark acting on behalf of Cumbria county council? It was our attendance stage really to update the examining authority following our previous attendance at compulsory acquisition, hearing one, and I think our last record representations at deadline three, I'm pleased to report that it positive engagement has been ongoing with the applicants and we are making some progress.

34:15

Thank you very much. And I have just been reminded that and I actually unfortunately missed it off the list that I've got in front of me, Penrith properties. Mr. David Vanderlande. I understand that you're online. Yes, I am. Thank you. I would come to you after Mr. Tim Parsons. Thank you, sir. Thank you

34:42

so it Mr. Michael Walton. Then in terms of representing on behalf of Eden District Council. First of all, please. Serve How long do you think you'll be?

34:55

I won't keep much of your time at all. So can I represent Industry Council this morning my firm acts for them in advice in relation to various property matters and in particularly the acquisition of this land. You have our statement of case I don't propose to, to beat it as to where we stand on this. The matter that we that my clients are concerned about is that they object to the compulsory purchase of plot numbers. Oh 1021 3233 and 47 which are woodland strips, which which shelter the weather is Country Park. Alright. My clients believe that this is a special category land in that it is a public open space for as part of the park and that they can adequately provide for a public walkway, cycleway and horseriding way in which this land we understand it is required for within the park and which would retain therefore the woodlands ship and shelterbelt to the park. There are ongoing discussions with regard to that. And I understand that there is a study being undertaken in relation to providing a master plan for that. But at the moment, those studies have not been completed. And my clients would not wish this land to be compulsorily acquired, as it would be detrimental to the park.

36:32

Thank you, Mr. Owen. Was there anything that the applicant might wish to say in response to that?

36:44

I do say to for the applicant, Mr. Slater, thank you. In terms of plots, I wanted to I 132 33 and 47. What we wanted to say was that plots 32 and 47 are required in connection with works to widen the carriageway to the north side of the a 66. Not I wanted to 133 is required temporarily for the purposes of construction and so doesn't constitute the compulsory acquisition of open space land itself within the terms of section 131 Planning Act 2008. The carriageway the 66 widens from two lanes to three lanes at this location. And so to preserve existing walking cycling provision, the existing footway is proposed to be adjusted accordingly, on the same alignment, which is why it moves northwards into plots I wanted to I 132 and I wanted to 147. This arrangement preserves the existing pedestrian usage patterns and desire lines and is aimed at delivering the most compact solution in terms of land use, minimizing requirement for the acquisition of open space as far as possible, and consequently reducing the requirement to provide replacement land for that open space elsewhere, which reduces the burden of compulsory acquisition. We understand that Master Plan feasibility work is proceeding. But this is separate from the A 66 transparency project. It is subjective designated funding provided by national highways but it is still separate from the project. The weather X Country Park master plan is, as we understand it, intended to consider opportunities for the improvement of the country park outside of the order limits. And separately, as I said from the applicants DCO application. The suggested alternative of providing a footpath and cycleway on alternate land within whether it's Country Park isn't an alternative to the applicants proposal. The applicant requires the open space in those plots that we

referenced a moment ago. And as I've said that land is identified for the purposes of widening the carriageway of the existing ACC six maintaining existing foot waiver it was a provision along the edge of that carriageway. Those alternative have a wholly new footpath and cycleway and associated infrastructure going through the park, would we in our view, occupy more public open space and therefore require more replacement land than the applicants proposal? That said, the applicant is supportive of Eden District Council's proposed master plan, as is evidenced by the fact that it's contributing designated funding to take that forward and to explore the opportunities that the master plan might present. Thank you, sir.

39:46

Thank you, Mr. Walton. Just before I ask if there's anything else that you wish to say on this subject, I just wish to advise that I actually undertook an unaccompanied site inspection on Monday afternoon of this week and actually walked in The pathways in the park including what I might call the lowest pathway, and I understood from the plans I had at the time that I was walking along the boundary, if you like, of the acquisition, I could see the line of the acquisition and then towards the eastern end, then I believe it possibly actually comes into a small area of acquisition, or is at least closer to it. Is that that is the area I understand that you're actually talking about?

40:27

Yes, so it is. I don't think I have anything further to add at this stage. Right. Okay. Thank you very much.

40:41

So I now come on to Ms. Caroline Hahn, of George F. White, who is online. Hi. So I'm just before you start, I you do represent a number of affected persons. I do have a list of those in front of me. How long do you think you'll be in terms of your representation?

41:03

And I've got some general comments that I'll be a couple of minutes. And then if we say, between five minutes or so for each.

41:16

Right. Okay. So just in general, if you could proceed. Yeah. In general, throughout the scheme as a whole, we've seen a lack of real effort to engage in negotiate, appreciate we've had a number of meetings with the applicant. But when we've asked questions or to clarify points, we've not received the detail that the landowners are requiring, the applicant has promised to send position statements of which we received one, which I think was yesterday. My clients can't be sure that the applicant has understood this correctly. We know what the issues are, the applicant understands what they think the issues are. But these aren't necessarily the same. The position statement is to ensure everyone understands the points of concern and the lack of engagement and time for scheme development, unnecessary acquisition of productive land, which increases costs of the scheme. And large amounts of land concluded within the DCO which appears to be unmanaged land, large amounts of land will be taken out to production for environmental reasons. And although we're not saying ignore the environmental, what we are seeing is the best use of the good food producing land shouldn't be taken

for environmental mitigation when there is better areas that could be used. The areas identified by the applicant for ecological mitigation along this scheme road appear to be arbitrary Lee defined without any reference to the nature of quality in London question, we are concerned to note the large areas of best agricultural land in the local area have been earmarked for ecological mitigation. As with these ecological mitigation areas, the applicant does not appear to have taken into account the relative qualities of agricultural land or the impact on continuing agricultural businesses when alighting upon the locations of the drainage ponds and compounds. We are concerned that a failure to communicate or agree who would be responsible for future maintenance between the applicant and the local authorities has led to more drainage ponds been included within the design that would otherwise be necessary, is difficult to understand how this failure has occurred to the extent of the additional land will need to be taken and further avoidable or costs incurred. There's not any detail with regards to the ownership maintenance liability of owners britches structures, underpasses private means of access, and this could have a detrimental impact on some people's businesses and properties. And we have asked for details surrounding drainage and hydrology assessments. And these have not been forthcoming to ensure clients properties London businesses are properly protected on the previous 866. During many years ago, there was a lot of drainage issues, which are apparent now. And a lot of water supplies were lost along the route. The applicant needs to demonstrate how these are probably going to be protected. If I then move in to client specific comments, I represent the Heron family at East field farm walk up. And it has previously submitted that the identified route to there now for the applicants,

44:19

Miss heron, if I could just hold you there for a moment because in terms of the Heron representations, I just had a number of questions relating to those if we could just just deal with those. Now before you start on it. There are a number of parties with that, that surname. And I just wanted to work through a couple of those in terms of their interests as given in the book of reference that we've that we've got. I'm conscious that as we've already heard this morning, we need to be careful over personal information. I'm happy to have this in a post hearing note. If at any stage you wish that that would be the best way to proceed. But I just wanted to set out my questions into terms of individuals before we actually get underway on this section. So if I could deal firstly, with and what I'm doing now, I'm referring to the written representation, it's rep two, zero 20, at which there are a number of names set out at the start of that representation. So you'll recognize these from that. Mr. J. Heron, then I don't see that referenced in the book of reference, or in the CEA status of negotiations shedule. So I'm not sure of the position in terms of this hearing this compulsory acquisition hearing in respect of that particular person. Is there anything that you can give me now on that? Or would you wish to respond to that in a post hearing note to me,

45:50

I responded a post here and note if that's okay, because I can demonstrate it quicker.

45:54

I thought that was probably the best way of doing it. Thank you. But I have to give you both all. Right. That was the first one Mr. J. Heron. The second one then is Mrs. D. And Mr. I, Aaron. And again, I can't find reference to persons with those initials in the book of reference, or in the compulsory acquisition. I'm getting some feedback from here. Right. Okay, that has been solved. I and I understand from the

back of the room, Miss Mrs. D. And Mr. I Hara, and then is the next one. And again, I can't find reference in the book of reference. And I can't find reference in the CEA status of negotiations shedule sorry, the it's the negotiations sheduled is actually wrapped to 20. And you'll find these names in the individual reps that you've actually put in. There's a written representation that has them all in the front. I can't find Mrs. D and Mr. I, but I can find a Mr. David D. And Harun in schema six, and I'm not sure of the relationship between those two named individuals.

47:03

If you're happy, I'll set it out on it all in a post is what in relation areas.

47:09

So I will I will continue then just giving these similar questions. Right. And then I have a Mr. Stephen and a Mrs. C. Aaron, again, can't find reference in the book of reference or the status of negotiations negotiations. shedule. And, finally, Mr. David Crystal and Mrs. Maureen, Mary Aaron can't find they have representation, which is rep 1074. That's 074. And that refers to plot 0643, which doesn't show any Harun interest in that particular plot. So I wonder if you could come back to the status of that particular person who's mentioned in the written representation?

47:59

Yeah, they, they operate them, we're representing the family as a whole and what I do is opposed hearing note as to which relates to it. Thank you.

48:10

So having dealt with that, by means of a post hearing note, could you please continue with your representation in respect to the hair and family?

48:18

Thank you. It is submitted that the previous identified route to the north of the applicants proposed represents a much more suitable route, and one which will minimize the adverse impact not only on the parent family, but also the village of war cop and the Gypsy traveller community. We note that the minutes minutes Prepared by National Highways for the community consultation held at World War cup parish hall, on the fifth of November 21. record that the consensus of the local community is for the 66 to the north of the current a 66. While it is accepted that moving the route further north does encroach further in onto the OMB and that they should not be taken lightly. The benefits of doing so are substantial include but not limited to the preservation of the Bronze Age burial Barrows, avoiding the loss of Walcott village cricket pitch, minimizing the impact on privately owned residential properties, preservation of ancient pastures and traditional buildings, allowing the use of existing road as a service road and production of the existing roof Hill. In considering the impact on the AONB. It must be considered that the land immediately to the north of the 66. Within the MO D training, there is limited environmental, landscape and social benefit as a consequence of its existing use. The existing boundary of the LNB is itself an arbitrary line reflecting the existing location of the 66 and the land to the south is a no less value to the landscape. We'd also highlight that there are numerous examples of infrastructure developments within the aonbs both past and present. One correct example is the HS two line, which will pass through the children's AONB, the scale of the impact on the local area and

community and also the costs of the scheme that could be drastically minimized. by moving the Rubinoff and then move on to the suitability of the proposed location arrangements of the proof Hill replay placement site, the location of the current proposed site poses significant safety issues. The current proposal which runs the full stretch of the enterprise is at Eastfield farm, which consists of a concrete plant, a haulage yard, a dairy unit and residential dwellings. The access to the proposed site is located at the entrance whereby numerous HGVs Arctic wagons agricultural machinery will be used in the access 24/7 365 days a year, day and night. We do not believe at national highways fully understand the operations that happen it used to be a five East fuel farm and ask whether a detailed risk assessment has been carried out to ensure the dangers have been properly considered, and that the site is actually wholly suitable given the risks that are present. We know that any gathering of people poses risks, but it is recognized that animals have a mind of their own and children are inquisitive. And given the location of the site, we feel the risk of an accident happen is too likely and the consequences are too severe. We have provided the applicant with correspondence from the NFU and Allah setting out their concerns in respect of the impact on the Heron family, and in particular their business operations in the event that any gathering of people is located on the area of land immediately adjacent to Eastfield fall, which runs along the full length of the northern boundary of the farm. These concerns may be summarized as follows animal welfare and security concerns on the basis of anticipated noise and disruption, the risks of milk safety and security due to potential contamination, animal biosecurity, safety of gypsy community, hair and family and their employees. Due to a large number of people and vehicles, potential accessibility issues and milk collections. We know that the traveling community have made clear through their representativeness to Welsh their opinion that the proposed site for relocation of the hill fair is entirely unsuitable. In particular, they identify the following concerns the culture and

52:05

if I could just come in there, effectively, I'm treating this element of your representation as almost what I might call a section 10 thing. The the effect of an acquisition, if you like on owners and occupiers within within a certain locality within the locality of if you like, I've obviously heard the representations that you've got, we looked at it on the site yesterday. I've also heard of the Brookfield fair of I've also obviously read the Brookfield fair representations. And I've also heard their representations made on site yesterday, yesterday in terms of looking at particular features. I don't wish to go through that. Again. In this particular section. I'm conscious that you've got a lot of people that you are representing that you want to get through, you said approximately five minutes each. So I wonder if we need to actually deal with this item. I wouldn't wouldn't wish to deal with the Brookville fair aspects of the item at the moment. Because that is really you're repeating somebody else's representations. I've heard their concerns in terms of the hair and family from you. Is there anything else you wish to say?

53:09

Could I just mention about again on brookhill? We had, obviously, the northern route, it would be more appropriate. The applicant has repeatedly said the northern route was not an option. The Heron family then proposed a number of alternatives along the route with the applicant discounted straightaway, to have the Heron family then propose a further alternative, which is in their ownership and adjoins the current brookhill fare. I pointed this out to the examiner and authority. Yes, you did. Yes, you did. Yes.

The applicant has said that they would put accommodation track from Freetown junction to the Heron buildings. And this track could be from the

53:46

starting to get there. If I can just come in, you're starting to get there in terms of other people's representations, you will need to stick to your own representations, please. So is there anything else you have to say in terms of your of your own representations? I've obviously heard I've got the recording. I've written notes as you've been speaking. And is there anything else that you wish to say in terms of impact on the land that the people you represent have an interest in?

54:13

And other than that the this the proposal of the alternative site hasn't been properly considered, but whether I can pick that later, and then then I'm happy to do that.

54:27

Right. Okay. We want to get to the end of your representations on the air and families and so does that mean that you've actually got there

54:34

now? And I believe so.

54:36

Thank you. Can you move on to the next one, please?

54:39

And so David and Christine hailer, Hal Beck Grange roof, and, again, they also have made representations that you will see about the route further to the north. I'm not going to repeat myself on that. You You've already heard that. In summary of the On the hailers there is a disproportionate burden of land taken from Messrs hailer bisecting the farm and removing a substantial acreage comprising the better quality land on the holding. This land cannot be feasibly be replaced within the immediate area. And to be clear the applicants can propose it would mean that Mrs. Taylor would not be able to carry out the current agricultural business as it is. In addition, we do not believe the applicant has probably considered access trucks, Mr. Taylor will require to be installed to ensure the farm units along the 66 can continue to the best that they can, given that the land that is proposed to be taken. All of this gives that the substantial impact on Mrs. Hayler business, and I don't think the applicant has probably considered this as inefficient design lead into excess land take. There's a lot of unmanaged land and this land we believe could be used to accommodate some of the infrastructure to best use the land. Upon locations that I've mentioned about the number of ponds and the size of the ponds, there is probably more efficient locations that the these can be located along with the access tracks to these ponds. We're also unsure as to the maintenance liability of these news trucks to the ponds, overpasses and under purchase. All of the above means we are unclear whether the applicant appreciates and understands the effect it will have on the business. And whether they have allowed for it within their budget in the most recent proposed changes that we've put representations in I don't want to bring it up. Now. I think there'll be a separate hearing for that.

56:34

Right. Miss horn? Yes. Does it does that mean that you've got to the end of the hailers. Now, yes, thank you. If I could just hold you there for a moment, because I'm just bringing Mr. Rowe in for a moment. I wasn't sure when this actually started as to whether I would ask if the applicant had anything to say, after each particular party that's being dealt with. Having heard some of the representations that have been given now, Mr. Owen, would you wish to be given the opportunity to respond to each individual affected person that's being represented? Or do a summary response at the end?

57:09

Thank you. So Robin, for the applicant. I think probably the better approach would be to do a summary response at the end of each speaker.

57:19

At the end of each speaker, yeah, thank you. I wasn't sure within this particular section, whether you would want to do is after each individual benefit. If you're happy at the end, then then that comes through clearly to us probably,

57:29

I think that'd be that'd be fine, sir. Thank you, Kim

57:33

is home then I'm unconscious, as we work through now that obviously I've seen a lot of the points, I think I've seen all the points that you're actually raising in the representations that have been given so far. So really, it's focusing on the main priorities, if you like of the individual affected person that you're representing. But again, I'm still perfectly happy to work through them all on an individual basis, as you've already started. So who was the next person that you wish to?

58:02

I'll try and do as a summary of each if that helps of the following one. So Mrs. Taylor,

58:10

if the concentration could be on the summary, yes, so the Taylor

58:14

at Redlands bank prac and Thorpe summary of it, you will see our reps to date, we believe there is a suitable more suitable location for the palace cottage junction, using existing infrastructure which will save public money and agricultural land, it will also prevent the block of land being bisected and making the land less vulnerable with what the land is left. We also believe there's more efficient locations of rights of way to ensure safety given the dual use and saving our agricultural land and public money. There's one field where there's three rights of way I can reference those if that's helpful. Or going through the one the one field which seems unnecessary.

59:01

I wonder, could you reference them by just giving me the plot number,

59:04

and I've got the route number. If you want

59:07

if you want to give give me those and there'll be on the recording and then we can look back at that.

59:11

Yep, 317 Slash 006 and 217 Slash 012 and also the access track to the pond. Thank you. Moving on, and then Mr Crothers at Cafe 66. Misko does owns and occupies Kaffee 66, which is located adjacent to the existing line of the 66. Between walk up and Appleby looking at a summary request that the cafe 66 can use the existing proposed underpass to ensure the business is able to continue as they currently are. There are ways of segregating the GPUs to ensure safety which I know is a concern. We also ask that we have clarification clarification over the temporary employee Permanent acquisition as we have seen to date means the business cannot operate. To date they said the whole area was going to be compulsory required in the meet most recent proposed changes document. They've taken the buildings out of sight of the DCO but have put all the car parking areas temporary use. So without people being able to park the business obviously cannot operate. In addition, there is a large amount of and manage land that needs to be properly addressed as to how it is going to be managed. Moving on, Trevor foster at West End farm bows, Mr. Foster Farms both north and south of the 66th and uses parent Clint Lane Bridge. And it as a paramount for his for his business. We require firm confirmation of how Clint Lane Bridge is going to be dealt with. And that enables Mr. Foster to continue his businesses he's doing so he needs access 24/7 365 days a year. And this bridge also accommodates the water supply for the land to the north and south of the 66. Today to understand from the applicant that they're not sure what is going to happen to this bridge during construction and this is a huge concern for my client. We also require them confirmation of the acquisition of land as it means Mr. Foster will not have access to buildings, land will become landlocked, and livestock will be without water. I also referenced the environmental and pond reps I have previously made. Moving on to Mr. Hobson at the old armory campsite in bows.

1:01:48

Did you say Mr. Mr. Hobson?

1:01:50

Hopson? Yes. Mr. Hobbs is an officer at the old armory campsite at Burroughs, the 16 pictures all together, the area that the applicant wishes to acquire is two thirds of the of the business and therefore will have a detrimental impact on the business. This means Mr. Hobson's business will simply not be able to operate given the campsite will be surrounded by the impacts of the scheme. It will be surrounded between the works the construction works compounds, the junctions and the only area within those that business operates on requiring peace is is the camp site of which is going to be engulfed, surrounded by construction works. There is a disproportionate burden to the site because it's a sensitive site as I've mentioned. It also means Mr. Hobson's businesses unable to operate during the construction, meaning his business will be closed for the duration. And therefore, people will probably

go and find somewhere else to stay, and that therefore puts the business in in a difficult position in perpetuity. Mr. Hobson's moss says we've tried to mitigate by working with the applicant, we had a agreement with the applicant that we will pursue a pre planning application to try and relocate the pictures. We had a positive pre AP response. They said at the beginning that we would be able to pursue a full planning, of which now they saying they wouldn't fund that and would want to try and reach a cap or buy the site outright. We tried to mitigate our losses by engaging with Mr. Hobsons planning costs and relocation costs, but this is being rather difficult.

1:03:42

This one basically, the generality of that yes, you've reported in your representations.

1:03:49

And moving on to Phillip white, the old police house and quickly in summary, there he has around six and a half acres in total. A large portion of that land is going to be taken for a pond. We've asked whether that pond is required given the number of ponds in the area and we also request a full and comprehensive drainage and hydrology assessment is carried out to protect what land he may have left. Okay, and Mr. Mrs. Manners at Stonebridge farm and they the bridge at Stone Bridge. Which this whole if

1:04:31

I could just hold you there a moment. I've got a Mr. John manners. Is that who you're calling Mr. And Mrs. Manners? Thank you.

1:04:37

Yes. Stonebridge farm. And the applicant currently proposes to construct a bridge with raise bank cements in short distance to east of stone field farm. It is opposition that bridge is entirely unnecessary given there are suitable alternatives that have been considered and will cost far less than current the current proposal. In addition, the current proposal have been involved in adverse impact on Mr. Manners retained property that could be entirely avoided. In summary, the Bridget stone bridge is unnecessary, unjustified and not the best use of public money given there are suitable alternatives for the accesses that a proposed bridge would provide. We also again request the full and comprehensive drainage and hydrology assessments carried out to protect the remaining properties on land. Thank you. And I want to quickly mention Stuart Harrison, who is a tenant at Roque be at streetside farm.

1:05:33

In just before you just before you do, Miss Horne, I had a George Stewart Harrison and also a Steven William Harrison. So this is George Stewart that you're talking about now.

1:05:42

Correct. And, in summary, the access that you are proposing to the farm is also going to be public right away. And the farm uses that area to unload HGVs heavy agricultural machinery. So we'll be using it HGVs there'll be loaded wagons will be loaded and unloaded, which there's a public wide right of way straight through it. In terms of the safety, that's probably not the best use, given there's other rights of way in the area. And we ask that the applicant looks at diverting that right away to the other rights away

in the area. Thank you. And Peter Moss ubank Farm also attend rugby and the current proposal is disproportionate burden of land taken on Eubank farm. And the infrastructure that is currently proposed means that the farm will not be able to operate as it is now. There is a lot of infrastructure within Eubank farm, we've provided options or ideas that could enable less land to be taken, you'll have seen that in our reps to date. Again, it comes back to the lack of efficiency in design and lead into unnecessary acquisition. Thank you, and Austin Richardson hood and fields. In summary, we say to them, we started engaging with the applicant as we have with all our clients right at the beginning of the process. And we made clear the requirement for an underpass under consulting on the removal of this present, that underpass is imperative to our clients business, and to ensure they can continue as they are. And it's required for the business but also the ensure safety of the road users, my client, his family, his employees and other road users. We've asked for further details how the underpass is going to remain safe and secure. And we would ask that the applicant clarifies what security measures would be incorporated and would suggest that at the very least, they should include gates, which can be locked. We also need to ensure that the Tippin area in turn an area is made big enough to date, we have raised concerns that the this area isn't of suitable size. The applicant should also move the right to waste to a safe location. So I've made some reps on other people's as well. It's the same point dual use of rights away on areas that will be used by heavy agricultural machinery HGVs. And we also require confirmation that the underpass and infrastructures will not be the responsibility of my client. A quick comment on Mr. Hammond at foxhole cottage. I have raised this with the sorry, could

1:08:42

you could you just give me that name again, please,

1:08:44

Mrs. Hammond it's not really an objection but I've just raised it that part. The on the plans the there's an acquisition of right through the buildings, either wanting to divert the footpath does no need to divert the existing footpath but I haven't had a response from the applicant on it. I assume it's a mistake but would like confirmation. Thank you Mr. Mrs Henshaw main skill farm and we put reps in you will see that to date. We are unsure on the land and all rights is required for the drainage arrangements in respect to the scheme around means go farm. And at the date of this we are still waiting. We're still unclear on the extent nature of rights the drainage systems that the applicant requires over Mr. Mrs. henshaws land. We've only recently learned that the applicant wishes to install a temporary roundabout, which will be built to the west of the realigned Warren and Elaine for the duration of the works, but we have not site had site of any plans showing this. We asked for the roundabout to become permanent of the scheme and be linked into the de trunk integral Moment. We therefore submit that the roundabout should be included within the DCO process of permanent feature of the scheme and confirmed by the inspectors. In regard to the work zone and around horror Warren is laying the timing and duration of these will have a critical impact on the main skill farm shop would welcome further information and clarity from the applicant as to the proposed time and stuff the works. I do. And finally, Stephen Harrison high Grange farm. In summary, the applicant is proposing an underpass at Warren lane to accommodate a bridleway. We are stating whether this is a neat indeed necessary, and the best use of public money given that other suitable crossing points with close proximity to Warren alone. If a crossing is required, we have suggested a bridge would be better, but subject to the dimensions and weight to the limit of the bridge being provided. We have asked for this detail from the applicant. They've provided it for the

underpass not a bridge, the dimensions of the underpass seems excessive, and therefore requiring a lot of land to be taken to facilitate the underpass. Again, we question whether it's the best use of public money given the cost of the underpass and the amount of land that will be taken for the underpass. To date, the applicable applicant has failed to provide confirmation as who will be responsible for maintaining the new infrastructure and private means of access landforms such as burns, underpasses, we also require a full and comprehensive detail on the drainage and how the field drainage will be properly protected.

1:11:38

Thank you. Did you say that was the final representations that you wish to make? Right? I just wanted to confirm that you still represent some of the affected persons. So if I can run through some other names, and you can just confirm or not whether you're still representing them. That's the bows and roll multicoat charity estates? Yes. Okay. The Brogden family? Yes. Kenneth Thompson, just discretionary will trust? Yes, I am. Now there is a potential overlap between you're acting on behalf of that trust. And Mr. Mark Kenneth Thompson as a trustee of that trust, who is represented by another party.

1:12:28

Yes. So I understand who the beneficiaries are. You can

1:12:33

deal with this in a post hearing note, if you wish, because of the information that you might feel that you have to provide.

1:12:39

And for me to do that. I was doing that. Thank you.

1:12:53

Bear with me a moment. The mug skimming family.

1:12:57

I am Yes.

1:13:01

Mr. Richmond? Yes. And the stead family? Yes. So it's my understanding that from the representations that you've given orally this morning, and the list that I've given you now that that completes the parties that you're representing,

1:13:17

correct, does it?

1:13:18

Thank you. All.

1:13:24

Right, was there anything else you wish to say at this stage at this stage? Thank you. Strolling, is there anything that the applicant would wish to say in response?

1:13:36

Thank you, sir. Robin, for the applicant national highways limited. So there are a few things I would like to say. But I think I could be brief because I think in the best interest of the best use of of hearing time, there's obviously a lot of detail we've heard from Miss Horne, over the last half an hour or so. And we we feel it's probably best responded to in detail in our post hearing submission. We obviously will go through the recording and the related transcript. In the meantime, I noted that was horn was was reading from a document in front of her if she was able to share that with us, that would really assist us so we can make sure that we do address each of the detailed issues that she has put you because I'm sure you want to see our response to those.

1:14:28

In turn in terms of that, obviously there are there are two levels of engagement, if I can call it that. We have a lot as I said on the way through. We have the matters that were raised. I believe in the representations that we've already got, as they were being read through I was familiar with them. If there are any documents that you wish to share it in between yourselves as as individual parties outside of the examination, then if that's helpful to you, fine, but that wouldn't actually be an examination document unless it was submitted to the examination and you're perfectly conscious The difference between the two.

1:15:01

So I appreciate that I was I was really hoping that Miss Warren could could assist us between now and deadline five by just emailing through the document she was reading from. So we can start to work on that as soon as possible. But I think in in general terms, it's very helpful to hear from from his horn at both in terms of her general comments at the beginning, where there was there was a range of issues that was put to us, and then, obviously, for each of the landowners and other landowners that she represents those detailed concerns, too. So we can, I would suggest that you might find it helpful for us to respond in the post hearing note, both to the general comments, in terms of things like unnecessary acquisition, environmental mitigation, land drainage issues, position statements, all those sort of points we can respond to. And I think in many cases, it'll probably be referring back to what we said before on those issues.

1:15:56

Yes, please. Because I'm conscious that a number of those have come in and the written reps, and you have responded to the written reps. Yeah, yes,

1:16:03

indeed. And then in terms of the individual landowners that miss one represents, clearly there have been all sorts of detailed discussions that taking place with Miss horn on behalf of those landowners. And obviously, the applicant has been considering all of these issues in detail for for many, many months. So we can respond to all of the issues that have been raised, that there is a one qualification I'd like to mention, because Miss horn did raise the number of proposed changes to the application that

relate to the interests of some of her clients. The position there, of course, is that those changes have recently been consulted upon by national highways. The consultation for that ended on the 27th of February, national highways is now considering the output from that consultation in terms of what's been said to it by console tees and will clearly be considering very soon, which of the changes to bring forward and in quite what form. So in the meantime, of course, those changes are not before you

1:17:10

Australian, just just in terms of that point I took mentioned the mention of sort of suggested alternatives to what has been what had been proposed in the application as reference to the position of the affected person involved at this particular time, I didn't take them as an introduction to the proposed changes that aren't yet before us. So I took them as a Party's position on potential alternatives if you liked the compulsory acquisition of their own particular land, rather than reference to a particular any particular proposed change that might be in the minds of the applicant at the moment.

1:17:50

So thank you. That's, that's very helpful. And and I took it in that same light as well. But I want to just to be clear that the lesson until those changes come before you they're not before you. Absolutely. So yeah. So if I may leave it leave it on that basis, really that it's, as I say, really helpful to hear from this hall in terms of all those issues. And we will we will we'll respond to them, both in terms of referring back to what we said before on them. And insofar as there are new issues that have arisen today. We will deal with those. So you have a full response to them all.

1:18:22

Thank you very much. There's one was there anything else you wish to say before I move on to another party?

1:18:29

Not at this stage?

1:18:30

Thank you very much. And thank you very much for working through a lot in what was it just over 35 minutes? Possibly. Thank you very much. Right, the next on my list was Mr. Michael Walton.

1:18:45

Sir, good morning.

1:18:46

How long do you think you'll be?

1:18:51

It's gonna be more than 15 minutes, 15

1:18:53

minutes, I'm conscious that we would take a break around about 1130. But I'm quite happy to continue on that 15 minutes and take the break after you've done your particular section. Thank you.

1:19:03

So as you're aware, represent the trustees of the schools in the state, Dr. Antony Leeming and Elizabeth leaving. You have our statement of case and I don't propose to repeat it. But if you have any questions, then by all means, go ahead. Briefly, we say that compulsory purchase power should only be granted as a last resort. That's where adequate consultation has taken place. And it's been impossible to reach agreement. We say that there hasn't been adequate consultation in relation to this scheme. The applicant has produced what what might say is an outline design. But it is not entirely clear what land it actually requires, or indeed what interests it wishes to acquire. There are large areas of England which are clearly, in my opinion never going to be by permanently. We understand that there are various discussions going on, and that new design areas will come forward. But this seems to us that this application is premature because there isn't sufficient detail. Right, the applicant has submitted a variation to the scheme. I'm going to refer if I may, sir, to plot numbers as I go through this. And in each of these plot numbers, the prefix is going to be O one, O two, hyphen L one. And then I repeated the plot number, because they're all the same.

1:20:47

It's too often just before you do, I've just had the conversation with Mr. Owen about what is actually before the examination at the moment, what is actually before the examination at the moment is basically the application. I am content, we are content to hear from affected persons in terms of suggestions that they may have as alternatives to the acquisition of their land. But we aren't entering into the subject of any proposed changes that might be in discussions in terms of the consultation at the moment that Mr. Owen has referred to between parties, because that isn't actually before the examination at this time. Do you are you you're clear on the boundary between those two things?

1:21:31

Yes, I do appreciate that sir. pattern very much. But it is an issue in relation particularly to this area of land. And the and the various plot numbers, but I will, I will try and resist referring to the alterations that have been put before us, but I think it's

1:21:52

so really what I'm taking from you on this is that it is possibly suggestions that the affected person that you're representing, is suggesting could be as an alternative to the acquisition of certain parts of our land.

1:22:08

Yes, that is the case. Thank you. It will be a west of the applicant submitted a variation to the scheme in relation to the frontage to the skirt real estate, which relates to the provision or the provision of a speed limit of 30 miles an hour along the ace 66 between the M six and the North West railway line. And we understand that, if that variation is accepted that much of the land in what we refer to as the West Park will not in fact be required. However, those plots are plot numbers, six, seven and 50. What number six is required for a attenuation pond for drainage from the road. We understand that there is a probability

that that will not be required if the variation is imposed. However, if it is required, we understand that that will need to be acquired in order to build the pump. However, plot seven, which goes to the south of that plot relates to drainage from the pond down to the river iemand. In our view, permanent acquisition that is unnecessary, and that can be dealt with by temporary possession and an easement and the Highway Authority have already an easement for drainage from the existing road in a 24 inch drain, which runs down to the mound. And we consider that is quite adequate for what they propose in relation to the road at this stage because it's a relatively small area of increased carriageway or by the foot way that they propose that so we don't consider that that they should be going to compulsory powers in relation to this and the Matic and dealt with that with my agreement. We support strongly support the variation to impose a 30 mile an hour limit in this area. We inspected the site with you yesterday you may have noticed that the existing exit front skirts you'll have to turn left in order to go wherever it wants to go because of the dual carriageway and there is restricted visibility to the right as you've come out of that entrance. And it is a problem which CES. And so the imposition of the 30 mile an hour limit would be helpful to our clients in any event.

1:25:08

So if I collision, right, that's it. If I could just go in, I could just come in at this point and obviously referring as well to the site inspection, the accompanied site inspection of the useful companies that can be on site inspection that we had yesterday afternoon, that your position is in discussions with the applicant, then there is the potential then to reduce the competent compulsory acquisition in that area. And that would mean that the impact that you've already set out in terms of Westpark, wouldn't actually take place.

1:25:38

That's correct, sir. I'd also we support the variation because it would be added to the safety of that exit, which is used by the business park,

1:25:47

I'm not aware in terms of the examination, I'm not aware of any variation at the moment. That's the point I've been trying to make. So really, I have to stick with the application as it exists at the moment. And so therefore, that's why I'm taking from you what I've just ran through if you like,

1:26:03

I think this refers to who DCO Wanzer of the application has been put forward for.

1:26:14

Right, that is that is effectively Yes, that is effectively obviously, the change requests, the proposed changes that I'm talking about. But formally, those aren't before the application at the present before the examination at the present time. I appreciate it's a difficult line to follow. It's something that we need to do to keep everybody on the same level, if you like, across the piste, I can understand entirely what you're saying. And I can see the fact that if that compulsory acquisition that you're suggesting about the 30 mile an hour speed limit might not need the same highway, etc, parameters. And that would mean that some acquisition wouldn't need to take place. That's why I'm taking from you your position on that

if you'd like your position is clear. It's just the way that I need to keep that level playing field between everybody on these particular subjects.

1:27:00

That's fully understood. So thank you. So that deals with the West Park. If I can turn now to plot 34, in what we call the East Park. And this plot is required for tree planting in replacement of other trees which are going to be removed in the course of the scheme. We you have got a we have submitted to you a landscape consultants report, which deals with this. And I don't propose to go through that unless you've got anything to ask for that. But that suggests that we this this provision could be made in alternative land outside the scheme. And I understand that that's not in your exactly in your remit. But you have already commented on it in responses and that you have said that you think that that's a sensible alternative. The the applicant has responded to that. Mr.

1:28:11

Watson, if you just give us a moment, yes, sir.

1:28:24

Mr. Watson, yes, I wasn't. I didn't recall the question that we'd actually asked. But we have asked a question on that. And you're perfectly correct.

1:28:31

Yes, sir. And you viewed that yesterday when we when we showed you the alternative land. Now, in their response, the applicant says that the alternative land is not large enough, and that it's certainly point four of a hectare. That is not correct, sir. The applicant has stated that it's 7.2 for LV 1.2 Right. And they say the alternative at point four hectare is too small. Right. In fact, the alternative land amounts to 1.7 hectares if you take the what we call the triangle down in the lower Park and pony paddock on the other side of the motorway, details of which provided and you looked at an inspection that amounts to 1.7 hectares which is in fact larger than the area which is proposed to be taken, which is 1.6 hectares the total woodland actually being taken in relation to the estate, all right, amounts 2.558 hectares. Now we have no issues in relation to mitigation, if that if this land is required for that purpose, but we think it shouldn't be this particular plot that should be taken and that the alternative is available and We do not think that the applicant is behaving reasonably and refusing that off. Therefore, we ask that it's removed from the CPL. We say that the applicant is not made a compelling case for compulsory purchase powers in relation to the school's gonna state. My clients fully support the scheme or the dueling up of the A 66 In principle, and that the applicants requirements here can be dealt with agreement by agreement. And we're making little progress on that. So that's all I have to say at this stage. But my client, Dr. Lehman would just like to say a few words if that's possible,

1:30:43

it says Yes, Dr. lemming

1:30:45

is early in the respect of the area that he bore where the applicants proposal plant for the purpose of the purposes of mitigation and biodiversity. I just like to query the methodology on this if I may, simply

because I have some little expertise in the matter i i have a doctorate in Plant Science from the University of Oxford, I have some experience with forestry matters, and the likely effect of broadleaf woodland. Our current state is 60 acres, of which a third is woodland or riverbank. It is therefore already one of the most diverse estates in the area and contains numerous indigenous rarities. Why is our four choose an already ecologically diverse area for mitigation? When there are other areas adjoining the 66 with large fields, or perhaps only three or four grass species and little adjoining woodland? Surely the latter would give a bigger gain, a bigger biodiversity net gain, both in ecological and landscape terms.

1:32:07

To Leamington, thank you,

1:32:09

Mr. Walton. Was there anything else? Does it mean what what effectively happens with that is that you've made a statement to the hearing, and we've obviously got the recording of it, and I've made some some notes relating to it. The applicant has the opportunity to respond to it if they wish to either at this hearing or in a post hearing note, but there isn't any obligation to respond to that, but you've made your position on it clear. Thank you. Mr. Walton. Was there anything else?

1:32:33

Thank you, sir. No, I have nothing further to say at this stage.

1:32:35

Thank you. Miss Rowan. Was there anything that the applicant or miss Mrs. Miss Slater? Was there anything to say in response to that?

1:32:43

Robbie, the applicant? So there are a few things. I wonder if we might take them after the break. There are a couple of issues I need to take some instructions on.

1:32:52

Yes, I'm perfectly happy to do that. I've got the time at the moment just before 25 to 12. I'll take the morning adjournment. For just over 10 minutes. I'll adjourn the hearing now to be resumed at a quarter to 12. That's to be resumed at a quarter to 12 Thank you