

TRANSCRIPTION_A66_CAH2_SESSION3_01 0323

Wed, Mar 01, 2023 5:07PM • 58:08

00:12

Good afternoon.

00:19

I'll try that again. It's 2pm. And this is a resumption of the compulsory acquisition hearing. I'll pass straight on to Mr. Roscoe to commence item five on the agenda.

00:38

Thank you, Mr. I'm free. Up, I'm not having any feedback doesn't sound like it replicate, carry on Agenda number five, particularly 5.1. On the supplementary compulsory acquisition hearing agenda, applicants to advise were there any updates to the application funding statement to be provided in the context of increasing costs reported in the technical press and identified in one of the written representations, destroying anything in response to that agenda item?

01:13

Thank you. So Robin, for the applicant national highways. So we note that there have been, there have been some discussions about the project costs in the technical press. We also note that the sums stated in those reports align with the position set out in the funding statement before you, which indicates that the project has a most likely estimate of 1400 90 million, so 1.4 9 billion, which includes allowances for risk and inflation at the date of application. And this estimate also includes all costs to deliver the project from options appraisal stages through to the opening for traffic, including the avoidance of doubt, all land acquisition costs. So that's the the position in relation to the comments in the technical press, it might assist. Just to comment briefly more generally on the funding statement. So if I may, and it's just to say really, that in the first compulsory acquisition hearing, and in national highway subsequent post hearing submission, we reported that there was no update to the cost estimate. This informed the funding statements submitted as part of the application in June of last year. And this was because the information on which the funding statement was based, was the same as the information used for securing approvals for the project from the applicant itself and indeed from the Department for Transport and HM Treasury between May and August of 2022. We also at the time of the first compulsory acquisition hearing in December last year, reported that the applicants next formal review of the cost estimate for the project was planned to take place after the end of the DCO examination process to align with the product to align with the development of the project's detailed design. And that is still the case. The applicants position therefore remains unchanged and accordingly, there is no further update to the cost position, as reported in the funding statement. Thank you, sir.

03:26

Australian, thank you. Anything else on agenda item 5.1? Nope. Kim Genda, item 5.2. Update on discussions with the Ministry of Defense and the public trustee. Mr. Slater?

03:46

Thank you, sir. Heidi Slater for the applicant. Dealing first with the Ministry of Defense discussions with the defense infrastructure organization, the CIO, on behalf of the MO D are progressing well. At the last compulsory acquisition hearing at the end of December, in and in our post hearing submissions after that, which was rep one double O seven. We said that we were working towards a statement of common ground SOC G with the mid and this was included in our deadline three submissions with reference rep 3052. At compulsory acquisition, hearing one we also said that there was a general agreement between there was general agreement between the applicant and the mid regarding the areas of land required for the project, and that one of the proposed changes that the applicant seeks to bring forward will relate to areas of mid land which are required for environmental mitigation for the project, but which needs to be adjusted to accommodate the MRDs current operational requirements. The statement of the position as it was then remains valid. And the applicant has recently consulted on proposed changes to the DCR application where it changed reference 21 Dec 21. It shows the different areas of additional land within which environmental mitigation is proposed for the project. That requests for grant authority consent in association with that additional land is currently being considered by the CIO. And they've committed to engage their solicitors with the aim of ensuring that the former crown authority consent is signed before the close of the examination. Moving on to the public trustee,

05:32

just on the MO D Mr. Slater before we do so. Yes. I mean, that's what we're looking for the the crown authority consent, obviously. And you've said, as you've suggested previously, that this would be could be obtained before the end of the examination. Do you have a particular deadline or date in mind? It is the case sometimes that these are left until the end of the examination. And then for some reason, things don't all fall into place. I'm happy to return to this in a few moments. If you wish to have discussions or pause a moment either way.

06:10

I'm instruct is that the end of April is the date. Yes. Thank you. Thank you. Moving on to the public trustee. discussions with the public trustee on behalf of the Ministry of Justice also making progress. The applicant and this list of for the Public Trustee are currently engaging in detailed consideration of the drafting intent and construction of relevant legislation and related case law with a view to determining whether a court order is indeed required before the public trustee is able to grant the form of criminal heritage consent required by the applicant under the Planning Act 2008. Since we last reported on the applicants discussions with the public trustee at compulsory acquisition, hearing one we've engaged in calls, and several rounds of correspondence with the public's trustees solicitors. In consequence of this engagement, a an updated draft of the applicant's request for Crown authority consent is currently with the public trustees solicitor for consideration. We are hopeful that a solution is within reach, as heads of terms for the agreement to acquire the land are in place have been agreed. It's just the issue of the crown authority consent that we need to resolve and all parties are aware of the need for that to happen as soon as possible before the end of the examination.

07:37

Just on that last point, or partway through the public trustee aspect of that response. You mentioned the court order and you've mentioned it previously. Is that compatible with the is the likely timescale in relation to that court order compatible with the the remaining duration of the examination?

08:00

I think it depends if the court order can be expedited.

08:03

Yeah. So if it can't, then what can we what's going through my our minds? What can we actually get before the end of the examination as close to that as possible? If you like,

08:19

I think a letter of comfort explaining that, in principle. The matters are agreed, but the formalities are resting on the resolution of the court order.

08:32

Okay. I wouldn't wish the the foot to be taken off the accelerator, the basis that the letter of comfort would be sufficient for the necessary requirements on that birth as a if you like a fallback position, or the letter of comfort could be provided in any event to be that fallback position already in place. Should the court order not be able to be expedited. Thank you. Thank you, sir.

09:12

Are Now then to anything else on agenda item 5.2. Thank you. Honor to agenda item 5.3 applicant to explain why plot 0603 34 is not identified as land with an MO D interest. Mr. Slater.

09:27

Thank you, sir. Heidi Slater with the applicant, not a sexy 334 Does comprise Crown land and it is owned by the Secretary State for defense it's been inadvertently omitted from the Crown land plans for scheme six ap 312 and also from Part Four of the book of reference as theory 35. In reviewing this plot, we also noted that another plot, oh 603 38 has also been inadvertently admitted omitted from the Crown land plans and from the book of reference so our My suggestion is that we rectify these omissions by including in our post hearing submissions deadline five on the 14th of March updated Crown land documentation respective scheme six.

10:16

Is anything else on agenda item 5.3. Thank you. Agenda Item 5.4, then an explanation of the book of reference entry for plops 01020105. This concerns that disposition of the registered estate in respect of a restrictive covenant. And this repeats elsewhere. In the book of reference, it was just an explanation as to the background to that term. Mr. Owen,

10:44

thank you. So Robin, for the applicant. Thank you very much for raising this point. And we are still considering it. It seems to us that the current wording in the book of reference may not be strictly

correct, which I suspect is possibly what motivated your question. I think, I think particularly in that on the basis of the book of reference, essentially, and I'm summarizing, of course, what the legal requirements are. But the book of reference has to contain the names of all those with proprietary interests in land, which can include those with the benefit of restrictive covenants, for example. The way in which those interests are protected by the land registry includes restrictions entered into an entered on the register to make sure that when land is transferred, those concerns are aware of the fact that there are covenants and other similar such interests. And restrictions are one one way of doing that. The fact that restriction itself is noted on the register, does not mean that the restriction itself is a proprietary interest. It's a it's a procedural device, if I can put it that way to alert all concerned of the existence of the interest underlying the restriction. So it seems to us that it's probably not technically correct to refer in the way the current book reference does to the disposition of the registered estate, and in respectable or restrictive covenant. So I think this is obviously a very technical area. If I could ask that we'd be allowed to take this away. And I suggest that we confirm in our post hearing note quite what we propose to do about this, we need to have a detailed discussion with those concerned who were responsible for compiling the book of reference. And I suspect that we will also be saying that we will need to correct the book of reference, which of course, is not unusual in in this process, I think it's highly unlikely we will also be able to correct the book of reference by deadline five, but we can certainly, at deadline five, suggest when a corrective book a reference could be supplied by because as the question makes clear, this reference is repeated elsewhere in the book of reference. So it's not just a question of correcting it in relation to the one plot that the agenda item here refers to. It's a, it's just a, we're, you know, this isn't saying that land interests have been left out is just a question of wording in terms of quite how they're dealt with in the book of reference. So we are, of course, under the rule eight examination timetable required to produce a final book reference for deadline eight, and it, it may be given this as a technical issue that we can just deal with this at that stage in terms of reflecting on that final version of the book of reference these corrections.

13:58

Throw in Thank you, thank you, yes. Your explanation then gives us the opportunity that if that isn't actually undertaken in terms of a an amended book of reference in this respect for any for any reason, then it gives us an explanation if you'd like to the background to this. Thank you. Thank you. Anything else on item 5.4? Okay, on to agenda item 5.5. Summarize progress to date with negotiations on protective provisions in relation to statutory undertakers. We've, we've had, we've had some updates in terms of the protective provisions during the examination so far in terms of negotiations, was just really to mark this as a point in time. Where are you at the moment with the various parties that are involved in terms of any updates to what you've given us previously? This is state

15:01

Thank you, Heidi Slater for the applicant. We are continuing to negotiate with 21 statutory undertakers. I do have a list here of where progress has been made. In relation to those discussions. We lost since I should say since we last reported a deadline to in our statutory Undertaker status and negotiation shedule, which was rep two, zero 22. I think when we discussed this in compulsory acquisition, hearing one, we undertook to provide you with a list, which was what came through at deadline two, if you would like us to do the same, again, to report progress this time, we can do that. But in terms of a general summary, things are moving in the right direction, we are talking to those Undertaker's about

the protection provisions in terms of them, and also engaging in negotiations for side agreements where those are thought to be required.

16:01

Right. So in terms of looking across that list, if you like, are the ones which are very advanced and almost at completion, or ones that are lagging behind for any any reason it's almost to get an overview, and maybe this can be reflected in the note that that you could provide, as to which ones might be not areas of concern. But but that might be difficult at this stage to actually finalize, or less likely to be completed to sort of bracket them as to ones that are nearly there, and ones that are still in a stage of relatively detailed discussions. I suppose the ones maybe I'm I'm thinking of what would be would be the ones that have been mentioned previously in in hearings, in terms of the National Grid organizations or Network Rail, in terms of the liability stuff, that's often a matter which is discussed between parties on that. Were here with the National Grid organizations, electricity and gas, for instance, with National Grid.

17:16

A separate side agreement is being discussed currently with National Grid gas and its solicitors. And they have recently reviewed a draft agreement. We're sorry, we've recently they've recently received a draft agreement, which is under review. discussions related to that are ongoing with regarding the timing of relocation works. So we are still confident that that will be resolved before the end of the examination. You asked about national grid electricity transmission PLC as well.

17:47

That's an again facility to the pylon. I think

17:49

technical discussions are ongoing, including discussions which relate to the impacts associated with the proposed nonmaterial change. Yeah, I think that's something we'll be able to report on in more detail. Right soon. Network Rail, again, the negotiations are ongoing, and a draft agreement is traveling back and forth between the parties.

18:15

Right. So from what you've actually said, There, maybe out of those three, for instance, is the Network Rail one, because it's still sort of a traveling draft? Is that the furthest behind possibly in terms of the agreement process?

18:30

No, my impression is it's progressing well, right. Okay. And network really engage are engaging, right actively with us to move that forward as well.

18:39

Thank you. So I would appreciate it if we would appreciate it if a post hearing note could be provided at the same time. If you just give me a moment before we leave this particular agenda item.

18:57

Thank you, Mr. Slater. Just to press upon that a little bit further. Obviously, we're now halfway through the examination. Do you expect that the protective provisions will be agreed by the close of the examination? I'm just slightly concerned, of course, that we're three months in and we're negotiations are still ongoing?

19:21

Yes, we do expect that protected provisions will be agreed by the time the close of the examination. For example, with the environmental agency. There was a meeting just this Monday, the 27th of February 2023. And the EAA confirmed to us in that meeting that it's currently updating its standard form protective provisions. This work is expected to be completed by the end of March 2023. Which means that we hope to be able to agree protective provisions across not just this order, but the applicant CCO applications in general, we see that there'll be no reason for either party to not reach agreement before the closer The examination

20:03

Do you have a particular deadline in mind that you are looking to be completed by?

20:10

If the predicted provisions are in on that the Yeah, happy with by the end of March, I would imagine that we could end of April, or the end of April,

20:19

end of April, and that's for all protected provisions as well as the yeas. Yes. Okay. Okay. I was just going to ask you about the A's. Obviously, I'm also drawing from their principal areas of disagreement summary statement. And this item has been in there since August, of when they produce their part their first pads. So just the I'm clear your they are updating their model provisions? Or have you had any involvement in now? Obviously, there's no one from enrollment agents here today for me to ask, and I will ask them tomorrow, as well. But have you involved in that? Because the concern springs to mind is when they present you with their their updated model provisions, you're going to disagree with them. And then there's going to be not much time for you to go backwards and forwards and agree something.

21:16

How do you say to the applicant? Personally? No, I haven't been involved in those discussions with my colleague on my left Mr. Trump, and Larry is and is happy to speak to you

21:26

Mr. Leary's it

21:28

was theory. Thank you, sir. Jonathan Leary for national highways. Yes, that's right, sir. So the Environment Agency are updating their protective provisions more widely. As I understand it, and as it was explained, to me, the changes aren't necessarily wide ranging, but it's something they're looking to

do. Effectively to get some consistency across the piece of the various sets of protective provisions that are included in various DCA O's. I've been provided with an initial copy of effectively they're working draft that they hadn't yet concluded, but which they are hoping to complete by the end of March.

22:11

Because the MicroSTAR, so that we can just pick you up. Thank you.

22:16

So we are in the process. I think I received those yesterday in reviewing them, and doing so with a view of identifying any particular showstoppers. But these are routine protective provisions that are in place in pretty much all national highways DCA OHS, which involve the Environment Agency. So I've got no expectation of there being any insurmountable issues arising.

22:40

And final question, I don't know if this is for you, Mr. Leary. But does that include the DIS application of the environmental permitting regulations? 2016. Which is the item set out in the environment agencies pads, or is that wording agreed?

22:58

Jonathan area for the applicant? Yes, sir. The protective provisions that we're talking about are founded on the DIS applications that are included in the order. Those are standard dis applications that the agency routinely agree provided. They're given the Protect provisions that they desire.

23:18

I suppose the one the question I'm asking is, is that element of the whole protected provisions agreed with yourselves? Or is that still part of the redrafting to your knowledge?

23:33

Against Jonathan any for the applicant? So I think the point is, I'm not speaking to the agency here, but I would expect the agency would want the provisions to be in an agreed form before they grant that consent. So

23:48

so it's still a matter that's that's part of the drafting, then it's not an element that that's not being changed. It's still part of the overall drafting to your knowledge. They will be here tomorrow, I will ask them the same question. I just want to hear it from you. Well, as you hear

24:02

it, yes, sir. The protective provisions are founded on the basis of the DIS applications, but

24:07

they're still going on going. Okay. Thank you.

24:14

That's an area just to continue on with that particular thought. It's, it appears as though possibly the agreement of protective provisions in this draft DCO is a little bit and I use these words carefully, getting dragged into environmental, environmental agency policy issues in terms of their general protective provisions or DCS. If it does actually get dragged in and delayed for whatever reason during that policy rethink, is there a risk to getting some form of agreement on those matters? By the end of the examination here, and I know that we talked about letters of comfort previously in terms of the public trustee. But is there a similar sort of fallback position so that we aren't putting so that the applicant isn't putting all the eggs in one basket, which is and that basket is, is dependent on the Environment Agency making their policy decisions as to their general protective provisions is the some some other way of getting an agreement on protective provisions as a safety net, if you like. Mr. Lyric,

25:30

Jonathan area for the applicants. Thank you, sir. I think my first thought is that perhaps a forum for that kind of a fallback position, may very well be the if statements of common ground. But I wouldn't anticipate as needing to rely upon that fallback position?

25:56

Yes, I don't think I'm suggesting reliance in the same way, as I said, letter of comfort, don't let the letter of comfort that you take your foot off the accelerator in terms of agreement, but it is for you to assess how far you can get in this particular matter with the Environment Agency, of course. But what's going through our minds at the moment is getting pulled into environmental policy issues. And that dragging causing a bit of drag. Now, I don't I mean, you've said what you thought in terms of statements of common ground? And if there's anybody else from the applicant who wishes to add something, and then if you just hold that moment, Mr. Owens.

26:45

What we'll do, we'll get to the end of this thread first, and then we'll go onto another thread. Mr. Allen.

26:51

Thank you. So Robin, for the applicant. Hopefully, it may assist just to indicate this that we've experienced. A few years ago, the agency undertaking a similar review of its model protective provisions, which was undertaken at a time when particularly DCO was also being considered by them. And very often, I think, every few years, a DCO comes along that triggers in the agency's mind the need for a review of his overall model set of protective provisions, and then can sometimes be a slight hold up in relation to the DCO in question, whilst the overall review is is carried out. This is what appears to be happening, again with the agency. And and there's nothing wrong with that, because every organization should review its potential revisions, every now and again, knowing the agency reasonably well on how they deal with VCOs, I really don't expect there to be a difficulty here. And some of the individuals concerned at the same as they have been a last review. And we are as confident as we can be that by the end of the examination, you will have before you in the final draft, the DCI that we will submit as applicant, a set of protective provisions that are agreed with the agency. If for some reason, we're not able to agree them, then we will indicate where are the outstanding areas of disagreement. And we will still include in the final draft the DCO, the form of PPS that we would wish you to endorse. And no doubt in that event of there being some outstanding disagreements the agency

would put you there preferred variation of those protective provisions. So we think one way or another there will be a position for you. And but I it's yeah, we're not aware of any major areas of contention. And and I think it's inevitable, to answer or to comment further on the question Mr. Allen raised that the agency's position on this application is all it's all bound up in the same exercise. And they're not going to, as Mr. Levy indicated, give their consent to the desegregation until they're happy that the protective provisions are agreed, because the protective provisions, part of their purpose is to replace the protection that they would otherwise have in the provision list that is disappled. So I think I think the position I would invite you to conclude is is reasonably assured of being concluded by the end of the examination. And I should say more generally, that the the rule eight examination timetable includes a deadline eighth, the final draft of the DCO to be submitted by the applicant, on on that deadline 16th of May, and we will make sure that that final draft is showing ludes all of the agreed protective provisions and if for whatever reason, there are some outstanding issues, which is obviously not not desirable, we would make sure that you're aware of what those outstanding issues are and what our position on them is.

29:56

So Mr. Owen from from that Ben and Mr. Larry, what you've effectively put to us is that obviously there are almost three scenarios here, the first being that the protected provisions are agreed, and we're provided with whatever we need to actually sort of show that those have been agreed. The second one, Mr. Leary, you said the possibility of a statement of common ground. And the third one, Mr. Mr. Owen, you've just said of having us having before us, they the applicants position and the environment agency's position?

30:25

Yes, I mean, I think serve the hopefully the final form of STEM to common ground that you receive, we record agreement in all respects, in relation to the protective provisions. But if there are some outstanding aspects of them that haven't been able to be agreed, then the statement of Common Ground will record those outstanding areas. And the final draft the DCO, that we submit, will reflect the applicants view on those outstanding areas. Thank you.

30:59

Thank you. Sorry, I just remembered one final question for Miss Slater, I think is probably for you. You were in response to Mr. Oscars question about the update, you mentioned that there's side agreements potentially going on? Can I just ask how many of the statutory undertakers you're talking to are you're proposing side agreements with? Is it just a few or actually, is there more than more than a few? And presumably, if you are able to agree side agreements, would that mean that there would be no need for the protected provision within the DCO?

31:42

It stated for the applicant, I can run through the list in just a moment to answer the first part of your question about where we do the side agreements. In terms of the second part of your question about whether side agreements would replace PPS, my understanding is generally not that they would be both together working in parallel. So in terms of who we are currently looking to have side agreements with that would be national graph, National Grid gas PLC. national grid electricity transmission, PLC,

Network Rail infrastructure limited northern power grid Yorkshire PLC, northern gas networks. We've already entered into a signed agreement, dated 18 October 2022. United entities are United Utilities water limited. Yorkshire water limited.

32:53

Nothing for electricity Northwest limited. They've indicated that the PPS would be sufficient. Northumbrian Water limited. Yes, a separate side agreement. And the draft is is traveling between the parties currently. No side agreement for sale next, or for Vodafone, or for Virgin Media. side agreements have been offered but hadn't been requested in respect of those parties. It's a similar position for BT Openreach. And also for Zayo, Group Limited that said a Y O Group Limited. And also for energist communications limited. And for neoss networks limited. We've discussed the environmental agency. And I think that gives you the full list of those parties with whom we're looking to have side agreements. Sorry, just

33:57

to be clear the EA is or isn't going to be subject to a side agreement.

34:02

Nice idea being outside lamentation Thank you.

34:13

Mrs stage of Thank you, just to to conclude this particular item if you like, it is important as a panel that wherever we can receive it. There are agreements at the end of the examination submitted to us from the body concerned so that we can report on the final positions. Now if in your discussions with people if you could work towards that.

34:40

Absolutely understood you're there. Thank you.

34:42

Right. Anything else on agenda item 5.5. Well, thank you. Just had a couple of other points before we move on to gender item six. Um, Mr. Rowan on Mr. Slater. matters relating to blight. We've had some information on that previously in terms of numbers of properties and the status of matters at the moment considering that you may. I'm conscious that sort of you know, you haven't been forewarned of this. And you may wish to return to us with a post hearing note, but it would be useful for us at this stage of the examination, to actually have an update on matters relating to blight. If that could be either provided now or referred to somewhere or, or the subject of a post hearing note. This is later

35:44

it slated for the applicant. Thank you, sir. I am sure there are details in my note of properties where light has been dealt with and move forward is looking for the right page. Thank you, thank you.

36:07

I'm reliably informed it's page 11.

36:15

Though there are a number of properties where light notices have been accepted by the applicant. I mentioned when we were talking earlier about Article eight of the European Commission on Human Rights that there were dwellings which were affected and residents had been successfully moved and re housed. The properties to which that comment relates are monks rest farm, which comprises a residential dwelling as to bonds and 20 acres of land on scheme nine there's also on scheme eight the old rectory which comprises residential dwelling plus an annex and seven acres of land. On scheme eight also frost lanes house residential dwelling and garden and a property on scheme four or five known as Dunelm, which comprised residential dwelling in the form of a bungalow and associated lands. I'm informed that the applicant has also negotiated terms with another two parties who had to be relocated. And these are agreements for these relocations are awaiting legal completion. These relate to Maine's house on scheme six. This is with solicitors awaiting completion currently, and also high bonds on scheme three, where values have been agreed, and we're just waiting for the heads of terms to be signed by the claimant. The applicant is also considering currently negotiating the acquisition of three further properties. That's Croft cottage on scheme six, where the applicant is still in negotiation with the claims agents, but we anticipate that agreement were reached shortly on scheme for five swans at wind Thorne again, has the terms have been agreed and signed under now, with solicitors moving towards completion. And thirdly lightwood cottages which a tenant ID on scheme three negotiations are currently paused in respect of those properties whilst we consider proposed design changes. I think that's is everything in relation to blight?

38:41

Thank you. If those could be identified in the summary of your oral submissions. Please write another matter was, and this relates to some relevant representation, relevant representations which don't see it on anywhere, if you like, haven't been able to follow or haven't been able to follow through. And one relates to Maple bridge Corporation Limited relevant representation, r r dash 169. And I'm not sure if if the the actual property I think that's being referred to is offline by some some distance. But there's something in the represented representation or somewhere which suggests that there might be an affected person. Not quite sure on that. But in the response, I think it's said that ongoing engagement, there's ongoing engagement with this particular party and the seeking of further clarification. And that's in PDL dash zero 12 page 183. And we're just wondering what's happened to that is it that a result of that engagement then that particular person has fallen away? And this is something that you may not be able to answer at the moment but this later

40:00

CCC for the applicant. Thank you sir. I think that is one that we will need to take away and check or you will come back in our post hearing submissions. Thank you.

40:06

And then there was a similar sort of situation in terms of Mr. M And Mrs. I ri, a relevant rep 169 and a Steven ri a relevant rep 199.

40:22

Again, I think we need to take this away and check them. Can I just check that I've got the right numbers? I think that's of course, I wrote down red 169 in respect to Maple bridge, but I will say open it down in perspective. The one you mentioned just this, just the middle. Yes.

40:36

Right. Okay. I've given the names that could be an error on my part. I've given the names and so you shouldn't be able to get them from that. That's maple bridge Corporation Limited. Yes. was the first one. And then the one that I gave the same reference to just now was a Mr. M. and A missus owl. reais. Ra EA why? Thank you. That was 169. And then the other one was Steven Ray. Relevant? Right. 199.

41:03

Thank you, sir. You may have to do a bit of decent decluttering.

41:07

Thank you very much. And then a final one then. Mr. P Taverner. Relevant rep. 161.

41:19

Again, sir, the name doesn't ring a bell, we will take it away and check. Thank you. Thank you.

41:28

Right, I didn't have anything else under the overview agenda item five review of compulsory acquisition. So anything else from anybody on that particular subject? Just looking around? No, thank you give me one moment.

41:59

onto agenda item six, then any other requests to speak, just looking around generally don't see any other hands raised in the room and just looking on the screen. Don't see any hands raised there, either. Right. That completes agenda item six. And I'll hand back now to Mr. Humphrey.

42:18

Thank you, Mr. Roscoe. We have not been notified if anyone wishes to raise any other business that is relevant to this hearing. Does anyone? Dr. Martin.

42:32

Thank you. I hope. So. I just want you to ask, there have been several references here to the fact that national highways has undertaken another consultation deadline was 27th of February. Is it possible? Is there going to be another hearing because obviously 30 changes will generate a huge amount of other work. And I'm a bit puzzled about how they're all be accommodated in three months?

43:00

Well, at this stage, Dr. Martin, there is no change requested before us. So we can't say I think there's no in the consultation. I mean, maybe the applicant needs to answer this. But I think the consultation, some or all, some or none of the changes may be submitted. So we can't answer that question at this stage. Possibly somebody in the applicant could explain to you

43:26

Thank you. Thank you. So Robin for the applicant. This is Marcy may have heard me say earlier that we are currently considering the outcome of the consultation that concluded on the 27th of February in relation to the proposed changes to the application. It remains national highways intention to bring forward those changes that were consulted on to the extent that it wishes to continue with them. By the 24th of March, as per the correspondence has been published between national highways and the examining authority. National Highways is still considering also the extent to which those changes would trigger the compulsory acquisition regulations where they require additional land and as has been in inactive discussion and remains an active discussion with landowners concerned with a view to seeking their consent to bring the additional land into the examination. That is all work that is underway at the moment and insofar as there are changes proposed that require additional land then the intention is to produce sometimes they can be agreed the consent of the additional owners or if not, then the compulsory acquisition regulations will need to be triggered and that will be done as soon as can be done so. That that is all I can really say right now. That active consideration being given to all of the proposed changes and how many of them in the light of the consultation responses will be pursued. And it is possible that not all of them will be pursued because national highways has an obligation to consider what's been put to it in response to the consultation and to consider as a result of that.

45:20

I would only add to Dr. Martin to answer a question that if and when a change request is submitted, the examining authority will first have the decision as to whether to accept those into the examination or not. In the scenario that we did accept them into the examination, we would then have to decide whether we wanted to hold additional hearings on them, or whether we wanted to ask written questions on them. And if that were the case, we would have to issue a new timetable for the latter part of the examination, setting out how we intended to do that. But as for will we ask questions, will we hold hearings? It we just simply can't answer that, because we don't know what's going to come in and the effect that would have on the application before us.

46:12

Thank you. Can I ask? Question? Can I ask the applicant? Thank you both your responses? What will be the criteria for pursuing changes that have been proposed or not pursuing them? For me, sorry,

46:29

sorry, Dr. Martinez, something you need to ask them outside of the meeting. Last questioning, we didn't we said at the start, we wouldn't allow that.

46:38

Okay. Sorry. I'll see you outside the meeting. Thank you.

46:42

Thank you. So before we close, can I just ask the applicant to run through that action points?

46:52

Thank you. So Robin, for the applicant? Yes, my pleasure, sir. So in addition to some general actions to respond to what we've heard, in terms of the post hearing note, I won't obviously go through all of those because you will have heard me say in response to each speaker, we will deal with what's been said in a post hearing note, but I wanted now, just the

47:15

fact that you would be helpful if you could do that. So that we're just to make sure that you you and I have got the same action points that we're all agreed if you would take the extra minutes or two just to do that. So thank you.

47:32

So what I'll do is I'll give you the actions we've noted with reference to the agenda item, and the time it arose. So 10 2014 agenda item 3.1. And this also rose just now at the end of Agenda Item five, we will provide an update on the progress with light notice purchases and also on discretionary purchases of residential dwellings.

48:07

The second action we have was at 1027. Again, agenda item 3.1. And this also arose in relation to Mr. Roscoe is question under agenda item five on light. Now beg your pardon. It's just it was just the agenda item 3.1. We will provide a summary of the equalities impact assessment in up in the post hearing notes, particularly addressing what Mr. Slater was saying about national highways, public sector equality duty.

48:53

The next specific item I had as 1151. on agenda item 4.1. was in response to the question from Mr. Roscoe, we will provide other examples of DCs which reflect the same approach undertaken in relation to stage design and the fixing of land requirements. I mentioned the A 14 you'll recall, but there will be other examples that we can set out in the post hearing note, which I think will assist the examining authority.

49:30

Mr. Owens, just before that at 1135. I had one in relation to the response that you gave to milk to Mr. Walton in respect of the Dr. Li Ming's position in terms of the agricultural land and biodiversity net gain. I had just written it down I have a code for it. Ah, no. And I put phn down at 1130 1135. And Walton don't actually recall the purpose of that, unless it was something that you said in response that you could, you could respond to that in more detail and I just said yes. Thank you.

50:18

Well, I think so, we, we discussed and we, the

50:26

it was woodland woodland diversity and biodiversity net gain. Yes, it was Dr. leavings points.

50:31

I mean, I think this is plot 0102 Dash 01 Dash 34. That's right. And we discussed the fact that we will cover that tomorrow. Right.

50:41

That's what I got it. Yes.

50:43

We did, however, say that we would take away and consider the issue about the 24 inch pipe and the easement for it, which you'll remember was was was was mentioned and we will we will include that in our overall response to Mr. Wilson and Dr. Leeming submissions.

51:04

Right, I will I will rewrite my note from phn to consider tomorrow. Thank you.

51:12

Thank you, sir. Then, the next specific action we noted was 1206. Agenda Item 4.1. That we would consider either incorporating in the post hearing notes or attaching to it. The technical note that I mentioned had been provided by national highways to the winter water state in relation to the environmental mitigation approach and thinking and the assessment undertaken. Then at 1218, item 4.1 Following the comments made by Mr. vandall and we said that we would double check the change reference referred to in the applicants response to written question ca 1.4. Relating to Penrith properties and plot 0102 Dash 01 to zero. And then at 1220, same agenda item 4.1. We would look into the sectional drawing showing the land taken proposals as mentioned by Mr. Vanderlande.

52:39

That 1410 agenda item 5.3. We agreed to include updated documentation in the post hearing note to rectify the omission of those two Crown land plots that you highlighted in your agenda item.

53:04

But 1412 agenda item 5.4. I confirmed that we would set out in the post hearing notes how we propose to deal with the possible errors in the book of reference about the treatment of particular interest in land. You know, the whole issue of restrictions on the on the land register and and and such like at 1416 agenda item 5.5 Mrs. Slater so that we will provide with our post hearing note. An update on the negotiations with each Saturday, Undertaker are both in relation to the protective provisions and also side agreements. And then at 1414. And there are there abouts there were those additional queries you raised about maple bridge Corporation Limited. The rea family and Mr. Taverner. And you asked us to confirm where the engagement with those interested got to. Which she picked up on. So those are the specific actions I've noted as well as responding to each of the speakers. We've heard today on what they've had to say.

54:39

Thank you Miss Dolan. Could I just give us a moment to confer

55:04

And the only other one I've got here, which you may have mentioned, Mr. Owen, so forgive me. I've written comfort letter on discussion, discussion with public trustees. Is that something you've?

55:18

Yes, we will have that as well. Yeah, that was agenda item 5.2.

55:24

Okay. Thank you. And the only other thing to ask you is, as I think you mentioned that you would, that all of these would be at the next deadline with the exception of your reflection of the plot. Oh, 1020105 from the book of reference, which you said may may actually be a technical update deadline eight, is that correct?

55:44

Yes, sir. I mean, clearly, the post hearing note and everything attached to it will be part of it will be produced by deadline five as your rule a timetable requires that what I was saying in relation to the book of reference, was that we will comment in the post hearing notes about how we plan to deal with that issue highlighted in agenda item 5.4. Insofar as that I expect may require some albeit quite limited changes to the book of reference, we will set out in the post hearing note when we propose to to make those changes to the book of reference, and I suspect that it may well be at the deadline eighth version of the book of reference, which is currently in the program.

56:30

Thank you that that that's clear for that. And just for the audio. I've also got that Mrs. Horn will provide provide a post hearing note on the hair and family interests in the plot, and also the trustees for the Thompson discretionary will trust I think Missoni still online, is that correct? You'll you'll also provide those at the next deadline. Yes, that's fine. So for me,

57:00

thank you. Thank you. If there's no other other relevant business may remind you that the timetable for this examination requires that parties provide any post hearing documents on or before the deadline five, which is Tuesday the 14th to march 2023. May I also remind you that a recording of this hearing will be placed on inspectorates website as soon as practicable after this meeting. Thank you all very much for attending today and for your participation. We shall consider all your responses carefully and they will inform the examining authorities decision whether further written questions will be necessary. The next event is to specific hearing three to be held at this venue tomorrow. And if required Friday, starting at 10am. Once again, thank you time is now 1457 and this compulsory acquisition hearing is now closed