



## Hearing Transcript

<b>Project:</b>	M60/M62/M66 Simister Island
<b>Hearing:</b>	Compulsory Acquisition Hearing 1 (CAH1) – Session 1
<b>Date:</b>	26 November 2024

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# TRANSCRIPT\_M60SIMISTERISLAND\_CAH1 \_SESSION1\_26112024

Tue, Nov 26, 2024 3:33PM • 1:28:24

00:05

Good morning, everyone before I begin. Can I can just confirm that everybody can hear me clearly? Can everyone hear me great? Can I also confirm with the case team that the live streaming of this event has now commenced?

00:22

Okay? Thank you. So the time is now 10 o'clock and the first compulsory acquisition hearing in relation to the M, 60 M, 62 and M, 66 semester Island Interchange project is now open.

00:36

My name is Andrew Robinson. I'm a planning inspector and a chartered town planner, and I've been appointed by the Secretary of State to be a member of the panel to examine this application. I'll now ask my colleague to introduce herself.

00:50

Good morning. My name is Sarah Holmes. I'm the planning inspector and a chartered civil engineer. I've been appointed by the Secretary of State to be the lead member of the panel examining this application.

01:02

For those who are present in the room, you may have already spoken to or heard from BART Bart COVID, who is the case manager for this project, Mr. Bart COVID, is supported today by Melissa Whitlock, our case officer. For those of you who have joined us virtually, then you will have spoken to our other case officer, Elias Pereira, together, they are the case team for this project,

01:26

and if you have any questions or queries, they should be your first point of contact. Their contact details can be found at the top of any letter you have received from us or on the project page of the national infrastructure website

01:40

before we consider the items on the agenda this morning, we need to deal with a few housekeeping matters, and I'll try and get through these as quickly as possible.

01:49

Can everybody attending? Please make sure that your phone is switched off or turned to silent.

01:56

No fire test is planned for today. Should an alarm sound. It is an emergency and we will need to vacate the building. Emergency exits are located to the side of the room where you can see the green signs above and through the doors you entered were advised the fire assembly point is at the back of the car park, as far away from the building as possible. If anyone needs assistance, can you please let the case team know,

02:21

toilet facilities, including the disabled facilities, can be found outside this room, across the lobby area and back along the corridor towards the main hotel reception area.

02:32

As far as I am aware, no requests have been made for any special measures or arrangements to enable participation in this in this morning's hearing, such as needing to take a break for medical reasons or having to leave the room at a certain time. But if anyone does need any a break or any extra support later on, then please do let the case team know.

02:53

We will aim to take a break every 90 minutes or so for those people watching the live stream, if or when we do, take a break and adjourn proceedings today, we will have to stop the live stream to give us clear recording files as a result. At the point at which we start the meeting and the live stream, you will need to refresh your browser page. We will remind you of this again. Should we need to adjourn

03:20

this event is being live streamed and recorded. Our letter of the seventh of August 2024 which we will refer to as the rule six. Letter explained that because we retain and publish the digital recordings, they form a public record to which the General Data Protection Regulation applies. The planning Inspectorate publishes and retains recordings for a period of five years from the Secretary of State's decision on the development consent order. So if you participate in today's hearing, it's important you understand that you'll be recorded and that you consent to the retention and publication of the digital recording

04:01

we will only ever ask for information to be placed on the public record that is important and relevant to the planning decision to avoid the need to edit the digital recordings. What we would ask is that you try your best not to add information to the public record that you would normally wish to be kept private or confidential, such as your address, any financial details, or details of medical conditions. If you do feel the need to refer to something that is private or confidential, could you please discuss this with the case team first to explore whether this could be submitted in writing and redacted.

04:37

Does anyone have any questions with regards to this matter in the room. Is

04:42

there anybody online? I don't see any hands up.

04:47

Does anyone intend to film or record this meeting?

04:52

Okay, I don't see anybody who's put their hands up

04:56

for those attending virtually. Can I repeat the request made in the arrangement?

05:00

Conference that to minimize background noise, you make sure your phone is switched off or turned to silent and that you stay muted with your camera turned off unless you are speaking. I would also ask that if you want to speak, you switch your camera on and either use the raise a hand function in MS teams or ask to speak to at the appropriate time. Can I also remind people that the chat function on teams will not work, so please do not try to use this to ask any questions or post any comments.

05:30

Do we have any members of the press in attendance today?

05:37

I don't see any hands up. Are there any comments or questions regarding any of the points? Any of the points that I've made in the room?

05:47

No, I didn't see any hands on there's no hands up online

05:51

as well. This meeting will follow the agenda that was published on the project page of the national infrastructure website on the 18th of November. A copy of this can be found in the exam library, which is reference EV 9001,

06:06

and is now being displayed on the screens in the room.

06:12

Today's agenda is for guidance only, and we may add other issues as we progress. Should this take longer than I anticipated? It may be necessary to prioritize matter and defer some questions in writing

06:27

to the purpose of today's hearing, it's been held for the examining authority who wish to explore a number of matters orally in respect of compulsory acquisition and temporary possession, and also at the request of A number of affected persons who have specifically requested an opportunity to be heard. I'd like to remind you that the examination is predominantly a written process. In addition to today's hearing, you will have seen from the examination timetable there are opportunities for the XA to ask further questions and to hold further hearings if needed. The purpose is this examination is for the examining authority to examine the information submitted by both the applicant and by affected persons. As a result, I would like to reassure you that we are familiar with the documents that you are sent in. So when answering a question, you do not need to repeat at length something that has already been submitted.

07:23

If you want to refer to information already submitted, we will be very grateful if you could please use this appropriate pins, examination, library, reference. Furthermore, can I please ask that the first time you use an abbreviation or an acronym that you give the full title, as there will be people here today or listening to the digital recording that may not be as familiar with the application or the documents as you are, whilst we accept that the majority of the discussions will be undertaken by those parties that have requested to speak, this is a public examination, and therefore, if there is a point that you want to make, please feel free to raise your hand and switch on your camera at the relevant time that you wish to contribute.

08:06

The hearing today will be a structured discussion which Miss Holmes will lead based on the agenda that has already been published. The purpose of this discussion is for this to ask questions and to seek clarification on matters related to compulsory acquisition and temporary possession. I would therefore like to take this opportunity to reassure you that whilst we may not be asking a specific question that you were expecting, it is not necessary that we review that this matter is as satisfactory. It merely indicates that we consider that we have all the information we need on this that we are proposing to examine it at a later hearing or through written questions.

08:47

Finally, I'd like to remind everyone that is not this is not an inquiry, and therefore, unless the x A has specifically requested or agreed to it, there will be no formal presentation of cases or cross examination as such, any questions that you may have for other parties need to be asked through the examining authority.

09:09

Rule 14, two of the examination procedure rules, requires that at the start of the hearing, the examining authority shall identify matters to be considered at the hearing. These are set out in the agenda for this hearing, which was reference EV five, slash, dear 001,

09:27

which is available on the website. And for the sake of expediency, I do not propose to read out all the separate agenda items now.

09:36

Please note that today's agenda is for guidance only. We may choose to move items around the agenda or add other issues for consideration. As we progress, we will seek to allocate sufficient time to each issue to allow for proper consideration. Finally, it is important that we get the right answers to the questions that we ask. I reiterate that this is predominantly a written process.

10:00

Yes. 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 incorrect answer, can you please indicate that you need to respond in writing? We can then defer the response either to an action point to be submitted at deadline four, which is the 10th of December, 2024,

10:22

or to the second written questions, which is we'll be publishing around mid December or at a later hearing. So before we move on, are there any questions at this stage about the procedural side of today's hearing or agenda?

10:39

Don't see any hands up in the room, and I don't see any hands up online.

10:47

Okay, the case team have provided me with a list of those interested in other parties who have expressed a wish to be present and heard today. I'm now going to go around and ask those people present today to introduce themselves. So when I say your name, can you please introduce yourself, stating your name, your title, whether it's Miss Mr. Who it is you represent, for example, Mr. Joe blogs, local resident. If you are attending virtually, please switch on your camera and microphone when introducing yourself. So I will start with asking the applicant to introduce themselves and their team. Please

11:25

Good morning. My name is Tony Weston. I prefer miss and I'm a solicitor from Gowling Wlg, and I'm the Lead legal advisor for the applicant. There's a good number of us here today, but I think I'll confine the introductions to the people that are sat at the table, so perhaps turning first to my right just before, could you just move your mic for a little bit closer? Does

11:49

everybody hear that? Okay? Would you that better? That's much better. Thank you. Good

11:54

morning, sir. Maybe that's too close. Apologies. My name is Richard hurling. I'm a legal director at Gowling.

12:06

Good morning. My name's Phil Emerson. I'm the DCO lead Costain for the applicant.

12:12

Good morning. Sam O'Kane, Senior Agent for Costain on behalf of the applicant.

12:18

Good morning. Andy Pierce, engineering manager at Jacobs on behalf of the

12:26

applicant. Hello, Miss Nicola eastwell, the project manager for national highways for the scheme.

12:34

Thank you. Can I turn next now to bury Metropolitan Borough Council? Please? Good morning, Sir, good morning, madam. My name is piers Riley Smith. I'm a barrister instructed on behalf of the planning slash highways authority, and I will ask my team to introduce themselves going down the way to my left.

12:58

Morning. My name is Mrs. Fiona Kenyon, I'm a principal surveyor at bury Council.

13:08

Morning. My name is Mr. John O'Connor. I am the group manager network and asset representing the Highway Authority of bury Council.

13:18

Good morning. I'm Dean Clapp with the Senior Planning Officer, bury Council.

13:25

Good morning, and this is Sarah Doherty. I'm solicitor at bury Council.

13:34

Thank you. I'll now move on to the affected persons. I think it will be easy. I'll just start from from the left and work to the right. If you could all introduce yourselves and who it is that you you represent, starting with you on the end. Please, sir,

13:49

sir, madam, good morning. James garbert, solicitor at Ward Hatter way. LLP, I'm here today to represent David and John Hillary, known for the purposes of the examination, as the Hilary family,

14:06

I'm here today with David Hillary and with Mr. Chris Stroud.

14:16

Chris is engaged by the Hillary family to promote land on on their behalf.

14:24

Thank you.

14:27

Neil Weiner, representing 10 of the residents in the area.

14:37

Miss Claire Matthews, chartered surveyor at Roger Hannah limited, representing Joseph Holt limited,

14:47

David Lacey Transport Strategy Officer with transport for Greater Manchester.

14:56

Thank you. That's everyone in the room. I don't think we have any.

15:00

Is anybody online who wishes to take part and participate in today's hearing?

15:07

No, it doesn't look like we actually have

15:10

anyone online, so I think that's everyone we've heard. I haven't missed anyone. Have I No, I don't think so.

15:18

Thank you for that. Well, I'll now pass over to Miss Holmes to lead us through the next items on the agenda.

15:26

Thank you. So there are a number of key documents which we're going to refer to throughout the hearing. So to prevent things being repetitive and to save time, I'm going to set these out in detail now, along with the relevant examination library references, I then don't tend to keep repeating the examination library references, unless I'm going to refer to a different document or a different version. So the book of reference is version that was submitted at deadline three, which can be found at examination Library Reference rep three, double Oh, eight,

15:55

the statement of reasons was submitted with the application and can be found in the examination library A, P, P, 018,

16:04



the current land plans were submitted at deadline three, and can be found at examination library rep three, double oh four.

16:14

The latest version of the works plans was submitted as an additional submission, and can be found in the examination library at as double oh six.

16:24

The version of the draft development consent trial that we will use was submitted at deadline three, which has the examination Library Reference rep three, double oh six. And going forward, I'll probably refer to that as a draft DCO.

16:38

At deadline three, the applicant's updates included the schedule of negotiations of compulsory acquisition with affected parties as an Appendix A, and the schedule of negotiations with statutory undertakers in appendix B. And these can be found in examination library at rep 3021,

16:56

and finally, while try and minimize the use of abbreviations, I may occasionally elapse so if I say CA, I mean compulsory acquisition, and TP means temporary possession.

17:07

So just moving on to item two on the agenda. So we're covering sections 122, and 123, of the Pioneer 2008,

17:15

so to provide context with today's discussion, can I start by asking the applicant to take no more than say, 10 minutes to briefly set out the case for compulsory acquisition, temporary possession against the test in the plan act 2008

17:29

including whether all reasonable alternatives have been considered, whether the rights to be acquired are reasonably necessary and proportionate, and whether there's a compelling case in The public interest for the land to be acquired.

17:43

Thank you. Tony Weston, for the applicant

17:48

in seeking compulsory purchase and temporary possession powers, the applicant has had regard to the conditions in Section 122, of the Planning Act, 2008

17:58

and also to the requirements of the compulsory purchase guidance. Section 122, of the Planning Act provides that a DCO, which includes compulsory purchase powers, can only be made if certain conditions are met. And those conditions are set out in subsections two and three of Section 122,

18:16

the conditions are firstly, that the land is required for the scheme to which the DCO relates or is required to facilitate, or is incidental to the scheme, or that it's replacement land required to be given in exchange. The second condition is that there's a compelling case in the public interest for inclusion of compulsory acquisition powers.

18:39

The compulsory purchase guidance provides further assistance to applicants in testing whether these conditions are met. And the guidance specifically provides that the applicant must be able to demonstrate that the land is needed for the scheme and that no more land than is reasonably required for the scheme is proposed to be acquired. In addition, the applicant must be able to demonstrate that scheme can only be delivered if a land is capable of being acquired by compulsory purchase. The public benefits of the scheme must further outweigh the private loss that would be suffered by those whose land is going to be acquired by compulsory acquisition.

19:19

The applicant has had regard to these issues, and it has set out its consideration of those issues in sections two and five of the statement of reasons,

19:32

in particular

19:34

in considering whether the land is needed for the scheme,

19:39

the applicant has considered this further in section 2.2, and Annex A of the statement of reasons, and in particular, Annex A sets out why each parcel of land is needed in order to deliver the scheme.

19:55

In addition

19:56

regarding the test about whether the scheme can only be.

20:00

Only be delivered if the land is acquired again, the statement of reasons sets out why the land is needed and the applicant considers that without the land, the scheme could not be delivered in its entirety.

20:14

On the third point the benefits of the scheme, these are set out in section 2.3 of the statement of reasons, and briefly

20:23

to summarize, include the relieving traffic congestion on the network and then supporting economic growth within the area. And the applicant is satisfied that these considerations, the public benefits that will be derived from the scheme, outweigh the loss which will be suffered by those whose land is going to be acquired,

20:43

taking all of that together, the applicant is satisfied that the tests in the Planning Act can be met. It's satisfied that the land subject to compulsory acquisition and temporary possession is proportionate and justified in the circumstances, and we're also satisfied that there's a compelling case in the public interest for the acquisition to be allowed.

21:06

Further consideration to the compelling case for the public interest is set out in section 5.4 of the statement of reasons. In particular, what that document does is it sets out the tests and the considerations and the benefits which have been identified if the scheme is delivered, and it links this in particular, to the National Policy Statement on national networks, which identifies a critical need to improve national networks, to address road congestion and crowding and also to provide safe and resilient networks in order to support social and economic activity and to also stimulate and support economic growth. The strategic objectives for the scheme are fully aligned with the national policy statement and the case for the scheme document, which I don't think you identified. The reference for that one is rep 3018,

22:01

that sets out the transport and the economic benefits of the scheme and how they fit with the national policy statement

22:10

in terms of attempts to acquire by agreement, the applicant has contacted landowners and occupiers with a view to acquiring their Land interest by agreement. In particular, the landowner is sorry. The applicant is engaging with major landowners to try and acquire by agreement and also to address the concerns that might be raised by those landowners with a view to resolving them and perhaps then moving forward to an agreement. More detail about that can be seen in appendix B to the statement of reasons, and also in appendix A to the Annex D, E, document that you've already identified,

22:50

the applicant will continue to negotiate with landowners, but obviously recognizes that it's unlikely to be possible to acquire all interests by agreement, given the Number of interests that are required for the scheme. The applicant therefore considers that scheme is unlikely to be capable of being delivered without compulsory acquisition powers,

23:12

turning then to alternatives in designing the scheme and determining the land to be subject to compulsory acquisition and temporary possession, the applicant has considered alternatives and modifications to the scheme in order to minimize the potential land take. And those alternatives and modifications were consulted on and the preferred route has been chosen based on a further consideration of all of the relevant issues.

23:38

The process and description of the alternatives which have been considered is set out in chapter three of the environmental statement. The reference for that is app hyphen 042,

23:50

further detail and consideration of the alternatives which has been identified or considered are set out in the case for the scheme and also the consultation report. And that's app, hyphen 021,

24:04

following public consultation, the applicant has selected the most appropriate option, and that option has taken into account various factors, which includes, amongst others, the views of landowners and consultees, environmental impacts, meeting the scheme objectives, affordability, value for money, safety and construction and operational considerations, the applicant continues to engage with stakeholders and learn landowners and to undertake further technical and survey work to build on the work that's already been done, to

24:45

ensure that the proper systems are in place to justify the acquisition. And should there obviously be any changes to that, then we would identify those. But at the present time, we're satisfied that the land proposed to be subject to compulsory acquisition and temporary possession is.

25:00

Proportionate and justified across the scheme.

25:05

Thank you very much. So you did touch on alternatives. I just want to just explore that a little bit further. The National Policy Statement for national networks, paragraph 4.27,

25:18

requires that all projects be subject to an options appraisal, and it's not necessarily for the examiner authority and the decision maker to reconsider this process, but we have to be satisfied that this assessment has been undertaken in rep 1020,

25:33

the applicant stated that an assessment of alternative transport modes was undertaken during the early development of the scheme. The assessment included evaluation of national rail, local light rail,

busses, coaches, Park and Ride systems. The assessment concluded that there was no alternative transport modes which could reasonably solve the identified problems and meet the scheme objectives. So can the applicant just provide some detail as to how this assessment was undertaken, and sort of when in the process, what station processes was done, I appreciate it was a while ago. Just gives us a bit more detail for that. Thanks. APPLAUSE.

26:25

Phil, thank you. Phil Emerson, for the applicant. I wasn't personally involved in the early stages of the scheme, but I can perhaps just very briefly describe so national highways Undertaker scheme that's identified in their own investment strategy, which follows, then follows, the Project Control Framework, which is set out, and I mind selling national highways operate under license by DFT, and must deliver a scheme through that project control framework process. So what we're talking about there is project control frame framework stage two. So PCF stage two,

26:56

under which there's several mechanisms, and it's laid out in the handbook and guidance. I suspect

27:03

we've laid that out. I think in the early chapters of the environmental statement,

27:09

it will make reference to that process. That process is well published on national highways guidance, DFT guidance and such like and so perhaps, if it's helpful, we could have a look at what we've already how we already described that process, if you like, and how it sits in the context of how national highways deliver schemes and provide, you know, a number of references, how they work, and if need be, reference other documents that perhaps sit in that overarching framework under which national highways operate. For DFT, Yes, that'd be really useful. I think it's because we've had a number of relevant reps that are concerned that, you know, why is money not being put in sustainable transport? And you know, why have you ended up with this scheme? And I appreciate this would have all happened before this scheme progressed. But if you could supply some detail on when, when the when the assessment took place, and what was considered, just a bit of detail about it, just so we've got that in front of us, if you could spot, if I put that down as an action point, sure, yeah, I suspect it is referenced in a number of places, so perhaps it's a need just to sew that together a little bit. Yeah, thank you.

28:09

Has anyone else got any comments on this before I move on?

28:13

Okay, thanks.

28:16

Next, I want to cover the two options that were covered by chapter three for the scheme, so you have the northern loops and the inner links. So chapter three states that both these options would meet the

scheme objectives. However, it's clear that the inner links would require considerably less land tape, land tape, including land that is green belt. I understand from Chapter Three that the northern loop would provide greater capacity improvements and journey time savings for the road users when compared to the inner links. But can the applicant just provide some more detail in relation to this, explain the difference between sort of how long the capacity improvements for each option would be felt and if the northern loop was considered better value for money with a cost benefit ratio of 1.17 Do you know what the cost benefit ratio was for the inner links option.

29:08

Tony Weston for the applicant. Unfortunately, the person that could probably best kind of answer that point isn't actually here today, but he will be here tomorrow. So I just wonder if that's something we could pick up. Then, yeah, I'm happy. I'll move that over to tomorrow's question. Thank you.

29:34

So now I'd like to just look at in terms of alternatives, the location of pond one

29:42

in terms of alternatives related to specific scheme, which includes the northern loop. You've got pond one is in a certain location next to next to the northern loop.

29:53

In your response to relevant rep 032, so your response was rep one.

30:00

Zero, 20, you stated that alternative options have been considered for pond one, including within the loop. However, these options were found not to perform as well as the current position. If pond one was positioned within the land enclosed by the loop, I assume this would require less land.

30:18

Yeah. And depends for the applicant. That would be correct. Okay, so is this? Is this a feasible alternative, and you said it didn't work as well, but would it work? It? Sorry. Andy, pierce the applicant, it hydraulically? Fundamentally, No, it wouldn't without the intervention of a physical pumping station to provide positive drainage.

30:42

I

30:50

do you think as an action point, could you just supply and write in just a bit more information about that? Because at the moment, all I've got is the information that it was feasible, but it won't work. If you could just just give me that in writing, that would be, yes, we can do that. Would anyone else like to comment on this issue before we move on?

31:13

Apologies for if it's lack of procedure. I'm not too sure. One question a few of the neighbors have asked is

31:22

the obviously, the widening between 17 and 18, junction 17 and 18, the issue there is standing traffic, but that's more due to traffic at the Swinton interchange, the M 61 and the M 66

31:38

also, I believe that where it is widened from junction 18, it'll be widened and then narrow for the Sandgate bridge, then it'll be widened again, narrowed for the Kirkham's Bridge, then widened again. Surely that is creating two more bottlenecks, so it should not relieve traffic.

31:58

Thank you for your comment. I think what you're covering here is something we'll be talking about in the issue specific hearing tomorrow, today is just focusing on the compulsory acquisition, temporary possession issues. Would you be able to attend tomorrow? No, I can't. I've taken time off work. But the issue is, a lot of the land is being acquired. But is it actually necessary?

32:22

Because a lot of the

32:24

work doesn't seem to validate for that area, for the cost involved. We later, just slightly later, on the agenda we will be covering, I have specific questions about areas and how much land's been taken. I also, we also have a section for people as well to put in their comments. So maybe if we just hold that until later on, thanks.

32:47

Just wanna move on to item 2.2

32:51

sorry.

32:55

Could I just comment on the question that's just been raised, and that's pond one this is highly relevant to us because it falls within the Hillary land, and

33:07

we've queried this right from the outset as to the location of that pond. We feel that there's a fantastic opportunity to locate it within the permanent land take

33:21

and we,

33:23

I hear that the hydraulic argument. But if it can be

33:29

provided with a pumping station, then why is that not being done? Bearing in mind, going back to the CPO rules that no no more land, and is absolutely required is taken in one of the other representations we've made about that pond is, does it need to be exactly where it is

33:50

an attenuation pond? The design of attenuation pond, and I'm sure a colleague at national highways will agree, is a function of volume, and there is no reason why that pond cannot be changed in shape, tucked further to the

34:09

west, as we see, is on that plan to reconfigure. And it's

34:17

an allied issue is the matter of the outfall from that pond, and why does it need to zigzag in the way it does, which is taking up a great deal more land. That particular area of environmental mitigation comes to circa five acres. So you can see from the routing of that outfall, the zigzagging actually takes in perhaps an acre or an acre and a half of land. So these this is a representation that we made from the very first enquiries about the scheme,

34:59

and highlighted.

35:00

These. And there's the the answer has always been either hydraulically or for other reasons that it's not suited, not capable of being relocated. It might be helpful if we could show that part on the screen just to show the location of pond, one,

35:16

maybe the works plans. I

35:24

we will be looking at the area required for the environmental mitigation tomorrow, in this specific hearings that will be that will be discussed then you

36:07

that's great. So maybe could the applicant just respond to some of the comments have just been made? Supply a bit more detail. Obviously, you talked about, we need a pumping station. Do you have any ideas of the additional cost of this on the scheme that would have where the pumping session would go.



36:28

Phil, I listen to the applicant. We've just taken action to provide, perhaps more a little bit technical detail around sort of hydraulics, what pump solution may look like. I think at this stage we'll have a look. We're aware we've responded on this point in a couple of times, and we're aware of discussions we've had to date with the landowner.

36:47

So we can have a look at those sort of technical aspects of pump solution. And come back to in writing that I suggest, of course, when we're looking at attenuation features,

36:57

simply the hydraulic solution is not

37:01

the only thing we consider the ponds and swales have other functions. They're described throughout the environmental statement. You know, we have other matters to mitigate habitat creation and such like and so I think we just make the point at this stage about it serves wider functions. We do appreciate the comments, we understand the sensitivities,

37:24

aspirations for land use and such like, I think we'll just make the point in that area in particular. I know we're going to be discussing it tomorrow again, where we have other specialists who can perhaps talk to more of these sort of environmental mitigation matters. But it's quite a, I don't know, a mosaic of features in there. You know, we have a diverted public right of way. We have habitat to sort of create, and all those things function together, and that's certainly something that we consider. You can imagine the discussions the applicant has in developing these solutions. They are multi disciplinary, and I suppose that's where perhaps just leave my opening comments, if you like. It's not just a hydraulic function. It has a number of other functions. Yes, okay, well, we've got that as an action point for you to supply some more information anyway. And we will be talking about the environmental the environmental mitigations in that area tomorrow, in this specific hearing. Just want to apologize as well. If anyone can hear the music behind it is making my laptop vibrate. It's so loud I think someone has gone to try and get them taped down. Yeah. Okay, thanks.

38:29

Okay, so moving on to item 2.2

38:32

in relation to the land being required to facilitate the proposed development. And having worked through and the works plans and the land plans in some detail, I've got a number of questions regarding why some of the land is being sought to enable the development. Some of these questions have been answered through your response to my first written questions. So thank you very much for that. So just moving on to the remains of my questions.

38:57

Firstly, I've got a clarification question regarding the assessment of category three. Thank you for your response to it's q1, so that was the question C, A, 1.2

39:08

with your response, you included Appendix B. That was rep 3023,

39:13

which was a plan showing the boundary of the category three persons that have been used when producing the application. Can I just ask what's the significance of the colors on this plan. Bill

39:24

Emerson, for the applicant, it was just a

39:28

just to denote the individual titles, if you like. So there's no the yellows don't mean anything, or greens or whatever. It's just simply, so that when they sit next to each other, you can see the extent to the individual titles as others. Yeah. Great. Thanks. Thank you very much for clarifying that. Okay, moving on to unknown ownership table, 4.1, the same amount of reasons. So that's a P, P, 018, lists all of registered loans. Thank you for your response. E, it's q1, I understand that an update is going to be provided at deadline five, but in the interim, can you just advise how many plots are currently?

40:00

Unknown and

40:23

Hi Tony Westham for the applicant. Unfortunately, I don't have the exact number to hand. I think we would need to take that away and add them up. I think one thing perhaps to note is, obviously there's quite a lot of subsoil plots under highway where we have presumed who the owner might be. So it's really whether you want to count those as kind of unregistered unknowns, or whether you're content to exclude them from that exercise.

40:51

I'm content to exclude them. I think I do appreciate it's difficult to determine the ownership of unknown plots. I just need to be convinced that you're doing everything you can to determine the ownership. So what I'd like you to do is just supply me some detail as to what works being done to date, how work is progressing, how many plots you've got. I'd just like to see that there's been some progress and that that something's being done, so that I know it's it's happening. Could I just have that as an action point with the sort of a number of plots and and what you are doing to determine them? Tony West, of the applicant, yes, that's fine. Obviously, this issue has been raised before, and we have put up further site notices following the start of the examination, but we've had no responses to date having put those notices up, but, but, yeah, we'll set out all of that in writing for you. Thank you.

41:44

Now, can we just have a look at plot one slash one A and maybe if you could show the land plans on the screen, it would be helpful. If you could, might not do this. If you could show the land plan and the works plan next to each other, just The test. Thanks. APPLAUSE.

42:42

That's perfect. Thank you.

42:45

So plot one slash one. A is pink on the work plans, so it's showing that it's within the highway work limited deviation, but they don't appear to have any other actual works associated with them. And when you look at the commencement termination of the linear works indicate with the dumbbells, and they start considerably towards the end of that plot, and having looked at the other ends, then on the end, at the limit of highway deviation. So just want to understand, I mean, I know you need some flexibility, but why do you need so much area? Why is that plot so large? Phil

43:21

Emerson, for the applicant.

43:23

So the works

43:26

show where the and the desire to like. So the general arrangement drawings as well. Sorry, I don't have the examination library reference, but they, they show a kind of physical footprint, if you like, off the high works, as you've just described. That's really where the The highway is being reconstructed or starts to move over realignment and such like,

43:44

I think the areas in practice a pavement. We would call it a pavement type. So the carriageway construction is made up of layers, and they would be tied into the existing carriageway. And so they'd be overlapped. As you construct the road, you overlap. And so those overlaps, that the extent of the works is that the termination point is where the carriageway full construction starts, and then we have highway tie ins. Now, when we get to site and we actually plane out the road surface, existing road surface,

44:15

we can find that the road carriageway perhaps isn't what it should be, or whatever, and we might need to reconstruct certain layers so those highway tie ins, and those laps may have to extend beyond where the, perhaps the termination of the works are shown. And then we have temporary traffic management measures. Whilst they may be temporary, they have physical fixings into the carriageway. And so they might have, you know, where we need a safety barrier fixed the carriageway, they would usually extend just a little bit beyond where we're actually carrying out the the designed, new realignments and such like and so that limit deviation. It's not that the full carriageway construction we'd anticipate coming all

the way now, but it's that tie in and those laps, as we tie it back into the existing carriageway, can extend beyond those terminations. So it's just the tie ins, and it's not.

45:00

Full construction. It's those top layers, if you like, of the road construction,

45:06

okay, but in this location, that that area does extend quite well. If you look at the the end of where you joined

45:16

60 southbound, that I think the dumbbell lines are the same location as the end of there's no, there's no overlap in that location.

45:29

Yeah, I

45:31

don't know how

45:33

much detail you want to go into here, but just in that particular location, some of the realigned, temporary traffic management layouts need us to use bits of the hard shoulder, I think so kind of widening out. There's some currently, some telecoms cabinets and infrastructure in that area, which we might have to do some works to, just to plate over whatever, you know, in a temporary situation. So that's why that particular extends a little bit longer. We do have the same point on the other as you've explained around the scheme, but there's just a little bit more going on, if you like, with the existing infrastructure that's in that particular area.

46:11

I suppose, I

46:13

suppose in this location, what I'm concerned about is something we touched upon in the last issue specific hearing, and I know you explained that in this location, there's potentially been some land grabbing, and the red line foundry, the other line is overlapping people's gardens. It's overlapping a bit of road that's probably adopted by the council.

46:36

I'm just concerned that you're sort of using this to regularize your land interests rather than do you need it all?

46:45

So Phil Emerson, for the applicants, yeah, we did respond to that question. It is a the OS background mapping layers are not

46:56

how much is land registry records for the title? So,

47:00

I mean, I can see the points, I can certainly see how it presents. I think we said, you know, we've had a look at the land roster records, which we have, we went away looks in that

47:10

area. The reference to land grabbing, the current order limit sits and only covers what's currently in national highways ownership. It doesn't include any kind of, there are a few very technical encroachments around the scheme,

47:25

but not in this particular area, and there's no part of the local highway. It's the issue is with the OS background mapping and that version of it, and perhaps where the ordinance survey hasn't doesn't reflect land registry. I suspect we probably just need to lay this out in a plan to give you the confidence that we're not doing that there's also what's physically kind of going on. So I think we probably just need to have a look at this a particular area of concern. We probably just need to produce a few plans, or whatever. I think, yes, can you understand how it presents? Yeah, I just hard look at it. If I lived in that location, I would be a bit concerned, because when you look at it, it doesn't like it's taking someone's gap. And I think I just go back to the point the book of reference for plot one, one a covers all the interest, and there's no there's nothing on just forget what it's called now that road, but there's no addresses, if you like, or the people that live there, they're in the category three, but they're not in, yeah, and I suppose, because you talked about this potential land grabbing, then there wouldn't be, would all be national highways land. But

48:29

obviously, if this went ahead, you could turn around the next day and take that garage down. I just just, I think we just need a bit of clarification. So either update the plans, if you can to show that the red line isn't, isn't going too far. Yeah, I think just something needs to be started that there isn't any confusion, of any any issue in that certainly we're not intending there. It's all about carriageway tie ins temporary traffic management. There are locations around the scheme where we need to remove the highway boundary fence and re establish it. But this is not one of those areas so, but I understand the powers are under ca, or what they are, and that's where concern lies. And maybe you need to consider, you know, do you maybe just the order line need to be as wide as it is in that location, you know, could it be bought in? So it's more,

49:13

you know, in terms of in line with the carriageway, or the if you haven't go through down the embankments, something that would just give me a bit of confidence that, yeah, perhaps if we do the work, make the submission and see where we learn along with it, but hopefully we can address your

concerns. Okay, can we have that for action point? Then Great. Thank you. Yes, the question at the back, yes. Neil Wiener, again, a lot of the neighbors I represent are in that area, and although we've had some answers, a lot of them have not been followed up. We've been promised

49:50

small groups, we've been promised emails. We've been promised replies. We've been told about compensation, links that you have to apply for that don't come through automatically.

50:00

Nothing's been followed up. And one of the streets that I believe has been mentioned, there's no houses on it now because it was knocked down for the original completion of the motorway, and I believe that they wish to use that area for plant or whatever when being used. But one thing that was mentioned was,

50:19

if that is not able to be used, some of the streets nearby where schools are will be a lot busier as well, which I don't think has been addressed.

50:30

So you are you talking about the area next to the plot that's shown on the screen? Currently? Yes, correct

50:38

the applicant. Like to respond to those concerns

50:45

fairly applicants.

50:48

We've met the gentleman, and we understand the you're interested the plots around Barnard Avenue. I think that'd be correct. Thank you. Yeah,

50:59

we're perhaps not aware of the issues around plot one, one A, which gentleman describes. So I think it'd be helpful to understand that better. We probably better understand that. I don't know if perhaps we could deal with that, hear the points or see them in writing, and then we'll perhaps respond to them. Not sure how far you want to go, but we're not aware of the issues around plot one, one A, and I'm sure just in the interest of the agenda, yes.

51:24

So if, if it's just around bannard Avenue, Wallach Avenue,

51:29

we will be have got a point to talk about that later. We can cover that. Is there anything particularly around plot? One, one, a that's shown at the moment, just just that first large plot is that is the issues in that location. Okay, okay, we'll talk about the other areas later. Then,

51:47

okay.

51:51

Now can we move on to look at plots two, slash one, aw and two, slash one, AV, so they're both on Egypt lane. I

52:03

and again, if you could share the works plans and the land plans, I'd appreciate it. I

52:47

thank you.

52:49

So the applicant's response to EXQ one question. Ca 1.7

52:55

stated that the white lands within the order limits on the works plans is shown as either green, so temporary or blue rights on the land plans, and that these plans should be read in conjunction with the note five on the works plans, but Egypt lane is shows pink on the land plans, but it's white on the works plans. Can you explain why you're trying to permanently acquire the two plots on Egypt lane?

53:18

Tony Weston, for the applicant, the two plots on Egypt lane, which are shown pink, are already in the ownership of the applicant, and the reason for them being included within the compulsory acquisition plans is that, as a matter of standard practice is the applicant's position that we include all of the land required for the scheme and show it in pink, even where it is already in the ownership of the applicant. And the reason for that is to regularize the title and to ensure that there are no third party interests which might not have been identified. So it's just kind of belt and braces to ensure that we've got the ability to control that land.

54:04

I don't believe that recognizing the land is part of a reason to have compulsory acquisition. I understand why you want to do it.

54:13

It's probably that's more of an incidental so the position is that we need that land in order to deliver the scheme. We already control and own that land, but we are obviously mindful that there could be other third party interests over that land which we would need to acquire in order to be able to deliver the scheme, and that's the reason for it being included. So in that location, Egypt lane, is just going to be

required for access, so, as I understand it, yes, so during the scheme, construction and for maintenance afterwards, yes. So if you, if you couldn't have this, these two plots

54:51

included, would that actually stop you? Could that stop you focusing with the

54:57

scheme? Potentially.

55:00

We not if, if it was already in the ownership of the applicant, and we didn't have compulsory purchase powers over it, then potentially No, because we would still be able to access over those plots because it's in our ownership. But if there was an unidentified third party interest over those plots and it wasn't able to be acquired by compulsory acquisition, then when we came to exercise the rights. We might find that there was an impediment because some third party was claiming ownership or an interest over those plots, which would stop us.

55:34

Okay, I think,

55:37

think I'd like you to supply in writing as an action point. Just the detail to this,

55:45

an evidence that I can have that explains why you have to have these two plots included, and that without them, you couldn't progress with the scheme. If you could supply that from if a deadline far, please. Okay, that's fine.

56:02

So can we now look at plots two, slash d1, And two, slash 1e,

56:08

with The corresponding works, plans, I.

57:04

Thank you.

57:08

So two slash 1d is quite a large plot just to the south of your area of temporary possession. And two slash one is a very tiny, very tiny plot.

57:21



Can you explain why you need all that land? As shown looking at the works plans, it looks like you could take less land if you kept closer to the attenuation pond, and more in line with the maintenance road. I just wonder why that that wasn't done. I

57:47

film of some of the applicants. So I mean 212, slash 1d is quite an irregular shaped parcel, as we often find two slash 1d is in the ownership of national highway. So we certainly sought to maximize the land that national highways already owned.

58:05

We then it's a similar point, really, to discussing 15 minutes ago around

58:11

hydraulically functioning pond and then environmental mitigation associated with that. So I can understand there's a area on the works plans that seemingly doesn't have any kind of infrastructure in it. But if we were to look at the environmental Master Plan, which is in

58:29

chapter two figures for the environmental statement, sorry, I don't just have the examination Library Reference to hand,

58:37

but you know there are, there are areas of landscape integration and such like that are in there that sits, I suppose, within slash two, slash 1d, and beyond either side of it, I guess so. So you're talking about something, because I'm looking at the area to the to the right of the pond, if you look at the works. So there's environmental mitigation in that location. Is there? That's right, there's a planting part of the landscape planting scheme that's in that area. The it's back to this point that the ponds are there. Obviously have an engineering drainage attenuation function. Ponds work well with, you know, sort of landscape integration habitat they offer. You know, if we were to induce landscape, perhaps elsewhere where it wasn't immediately adjacent to pond features and such like, you know the

59:23

it would be a different

59:26

mosaic of investigation, if you like.

59:29

So yeah, but we're picking up certainly making best use of the land that national highways already own in that particular location.

59:35

Okay, thank you.

59:39

I want to move on now to the locations where you're temporarily taking gardens. So there's a number of plots that appear to the end of private gardens. Now I'm saying appear to be just concerned about the issue that you mentioned before about the OS map and the land registry plans. So I was looking at sort of plots, one slash.

1:00:00

10 to one slash 15, one slash 25, to one slash 30. Can you provide detail? Can you confirm if you are taking the GaNS temporarily? Can you explain how long you would be taking these plots for and how you doing ensure that the time this time was minimized as far as possible.

1:00:22

That's Thank you. Yes. Phil Emerson, for the applicants,

1:00:26

yes. And the gentleman in the room who was speaking earlier is one of those guns and has a garage in that location.

1:00:34

So in that location, and actually, it was referred to earlier in the hearing

1:00:39

around how the scheme seems to narrow and expand in certain locations. That's the hard shoulder provision. And yes, we have where we have a sangate road was also mentioned.

1:00:51

There's an existing structure. The hard shoulder does

1:00:56

taper back in around the structure, and then tapers out where so national highways in that location, behind those plots, which you're referencing, actually has a small width of verge there, if you like. And so we're seeking to make best use of the land we've got, and where we have verges, we're using it for the purposes of creating a new hard shoulder, but to work right up to so such that there's no I think the point here is we've sought in that location to not need any compulsory acquisition of those properties by working right up to our boundary and aligning the carriageway such that it achieves that upon completion of construction

1:01:33

in that location, to work right up onto that boundary and actually rebuild the fence. So we need to construct that hard shoulder. And you can imagine, if that's right up to the highway boundary, that requires some excavation and such like. So it is the case in that particular location. We do require temporary possession to work right on that boundary and re establish the fence in that location. You

1:01:55

mentioned timing.

1:01:58

We couldn't say exactly where it falls within the overall construction period, but it is a linear process, if you like, to form those that hard shoulder. We are well aware of the sensitivity about the fact is private residential Gardens is not something that's ever been lost on us in developing the scheme. It is for a matter of weeks that we believe we would need those that temporary

1:02:21

possession. We're certainly aware of the issues that will present us during the construction phase, because they are residential gardens.

1:02:29

Yeah, is there something? Is there somewhere this can be secured in the DCO to ensure that where it is people's guards and is this the time you're needing it for, is absolutely minimized as far as possible, because at the moment, the DCO is quite general and talks about, well, you've got it for a year after and

1:02:50

Tony Weston for the applicant, I think that's anything that we could certainly consider. As you say, Article 30 of the draft, DCO has the standard form of temporary possession powers, which allows temporary possession to be taken and then for the land, I think, as a general rule, to be handed back after 12 months, after completion of the works. But it's certainly something that we can consider and perhaps respond in the next draft DCO, I think, which, I think is a deadline five, perhaps, in terms of the extent of those powers, just for the gardens,

1:03:29

Thank you.

1:03:41

Does anyone have a thing you'd like to raise yet? Sorry to intercede again. I can also understand about the use of why it's in being done. The main point I would like to point out, which I have raised when we had a visitation, was, if I lose a foot of ground, whether it's due to wall fencing or whatever, the turning circle into the garage, as it stands, will not be possible. So if they wish to do that, I can understand it will come under compulsory bills, but I would request that they can

1:04:11

state that it will not be done. And if it is, they will reposition the garage at 90 degrees, because, as it is, it works if they remove a foot due to fencing or whatever. It will not be practical.

1:04:25

So correct me. If I'm wrong, you won't be I don't think you'll be losing any land, but they'll be temporarily taking it so that they can get access. Can you just remind me what plot number you're particularly

concerned? I can't remember what the gentleman has he told me, but it's it backs on Warwick and Barnard.

1:04:49

Could the applicant provide some clarification? Just explain what will happen for that plot? Yes. Tony Weston for the applicant, so there is no intention.

1:05:00

To take the land permanently. So we would serve a temporary possession notice on the landowners and the occupiers, and that would give them notice of the intention to come onto the land. We would then occupy the land for a matter of weeks and use it as working space in order to construct and carry out the works on adjoining land. We would then reinstate the land and hand it back to the landowner. So there may be some temporary interference and disruption in terms of getting access to a garage, for instance, while we're occupying and on the land, but after a few weeks, it would be reinstated and handed back, so there'd be no permanent impact.

1:05:40

Philomeson for that, and just to add that you asked which specific plot it is. So 114 B,

1:05:47

if you can see, there's a square feature, the gentleman's referencing a garage.

1:05:51

And so that's the gray box, if you like. That's partly obscured by the label 114 B, I

1:06:00

think that's correct.

1:06:02

Is there anything you can do to ensure that access to the garage can be maintained during the works?

1:06:16

Yeah, I think, I mean, I think hopefully you'd imagine, when we're in there will be liaison people that we will be there because you talk to today, we have our community liaison manager who'll be getting ahead of the sort of formal notices, if you like. We'll know well in advance before we go into that area. We're aware it's a very sensitive area, as I've described,

1:06:36

the fact that we're taking terms of recession. We do need to take control to access

1:06:42

in doing so, if there's ability to provide access through either by agreement, you know, shift some fence panels around, or what have you, at the point in time we need access that would always sort of day to day coordination, I would suggest, kind of business as usual as we're affecting plots like that. This is

quite a unique area around this team. I'll suggest, in terms of the nature of the plots we're seeking temporary possession over, and it's something that we're well aware of.

1:07:12

Okay, thank you. Do you have any other points you'd like to raise? Just one assisted one, some of the plots to the left, as we see it, have young children. So obviously, if they are using that property, will they be properly fenced off, etc.

1:07:29

So Phil, I missed applicant. That's part of the kind of sensitive and unique nature of those particular plots, which I referenced. We

1:07:37

have spoken to a number of those people. I personally went and they weren't knocked on the doors to find who I could in on a couple of occasions. And none of those people attended the in person events at statutory consultation. We've met the gentleman in the room a couple of times on site, most recently in June. I think he was my colleague to the left. So that's just kind of at this stage, when we get into it and we're there, you know, I think it's set out in the application. Number of places we have an engagement member staff is available that you know, all the residents can have that mobile phone, and we can discuss any concerns as we approach that time that we take temporary possession on during the sort of temporary possession.

1:08:17

Thank you. I'd like to move on to plot one slash, 3f,

1:08:22

so this appears to be the turning head at the end of Warwick Avenue.

1:08:28

The statement of reasons states that this is required for working area for improving carriageway and installing gantries.

1:08:35

And I assume, because it's a working area for this type of work, it's going to have to be fenced off. How will you? Can you explain how you maintain the turning facility and access for residents and emergency services in that location during the works, and again, how long this will be required for, and how you going to control that? So it's a minimized, minimize the amount of time that you need as far as possible.

1:09:02

So film some of the applicants in that area. So we have described the area, which is to the west of that area, where there's a first to build out onto. In this area, we're not building out the hard shoulder, but there is an existing fence.

1:09:18

We need the condition of that. I think anybody who's driven down the scheme will see that the that fence is in various states of

1:09:27

need of work. I think if I leave it there, there is some vegetation on the roadside of Warwick Avenue, side of that fence. And so we've identified through there that we're not, we're not actually seeking those days to pull that fence down, but there might be some remedial measures and some vegetation clearance, which is local, is where the vegetation sort of grown up the fence. So simply to We just spotted that area, that we might need to do some take the vegetation that's growing up the fence off. It will be daytime works, quite minor in nature. It was just and that's why that particular work.

1:10:00

Referenced in Annex A statement of reasons, because it's, it's to do with the mainline carriageway, and just making sure that as we go move through the scheme in that area, that the fences are equivalent standard all the way through to where we might be reconstructing that fence. So to do this work, will you be, you'll be putting a temporary fence in wider cutting off the end of Warwick avenue to be able to access the fence. I think the fencing will be localized to the actual fence on the grass area, if you like, on the highway side, not the on the Warwick Avenue side. Okay, so in the sort of grassed area there, that's the work location. We just might need to park some vehicles there and such like. So I think it's using the Warwick avenue for vehicles to park and such. Like, I don't think we'd be jamming, you know, a whole lot of vans in there that would, you know, we're mindful that there's residential property access and such. Like, it's not that the nature of the works is, it's not that, it's just that we need that working area to we might stone up, I suppose, a bit of the grass area, for example, to just place some materials. Or we might need to waste the water rest area plot one slash 16

1:11:10

and the turning the sort of the turning head, the road, one slash 3f is that correct? That's correct? Yes, yeah. So in terms of one slash 3f that that's the turn in head. I just wonder whether there's anything you're going to be able to maintain that turning head, because that clearly is access to properties down the end, and also access for the emergency services. We shouldn't be able to maintain vehicular access to those properties. Yeah. Okay, yes. Sorry. Me again. Just some facts. The fencing on the highway side, there was some sound panels that were installed

1:11:45

a number of years ago. He's actually a solicitor, Mark Lewis, who was the one who got rid of the news of the World with the phone hacking scandal.

1:11:55

And he actually instigated the highways put soundproofing panels which were not suitable that over the particularly during COVID, some of the construction workers were playing football and knocking them off. It was mentioned by a number of the neighbors, and were told it would be replaced. It hasn't been done, and a lot of the is of that is from Barnard up to the Warwick stroke kirkham's. If you drive along the motorway, you can see the poor state of the fencing. So just as I'd mentioned it while the fencing was mentioned, yes, and we will be covering fencing and sort of noise by your fencing tomorrow in the

hearing, but I appreciate you won't be there tomorrow. So would the applicant be able to respond now to this comment, or is it something you need to cover tomorrow?

1:12:50

I suggest it's probably in terms of the extent to which you refer there, of mitigation, if you like. I think that'll be covered

1:12:58

tomorrow. I've outlined the need for the plots there to get access to the back of the fence. Effectively, that's there at the moment, but where there's a quite heavy vegetation that's grown up against those piles, which is could well be contributing to the issue raised. And certainly, you know, the condition behind there is something that we want to clear that out. And

1:13:19

okay, I know you can attend tomorrow, but I have questions on on the amount of noise barriers and where they are. So Be assured, I'll I'll be asking questions tomorrow.

1:13:42

Can I just make a point? I think you may have inadvertently disclosed somebody's address

1:13:50

of where somebody might have lived, just please make sure that that we don't do that. Please.

1:13:56

It doesn't matter they've just, just for just for transparency. Thank you.

1:14:05

Now, can we have a look at plots, one slash five, AQ and one slash five as so that's the corners of Wallach Avenue. It

1:14:14

notes in the statement of reasons that these plots are required temporarily for working area, for improving the carriageway, installing gantries and utility diversions, similar to my last question, how will access to be maintained to section of the road if you're going to have to fence it, fence it off of access to the M 60. How long do you think you'll need this land for how that's going to be minimized? I

1:14:45

so

1:14:47

the works for these parts it covers works number three and works number 49

1:14:53

works number 49

1:14:55

is a United Utilities combined sewer diversion.

1:14:59

But.

1:15:00

Of course, working with United Utilities

1:15:03

shown on the screen now

1:15:05

and with under our current discussions, there would need to be closures of that road for periods of time as that sewer is diverted.

1:15:18

But there are other ways around this. So there's no access to properties from that part of Warwick close it's just a it's all the fences the back gardens in that location have to close that, close that off. But people can, you can mention access, yeah, and they access their properties from, well, area of the road there which isn't covered by work. 49

1:15:39

Okay, so I think anyone like to raise on that?

1:15:44

Sorry, just as I said before that, if that roads closed, you will have more traffic going round, particularly near two schools.

1:15:56

Just Just on that point, what's in the DCO to again, make sure that these areas are closed for as minimal time as possible.

1:16:12

Tony Weston, for the applicant, I don't think there is anything specific in the DCO at the moment, but I think, as with the previous point relating to the gardens, we'll Take that away and consider it and responding, writing, applause,

1:16:52

Okay, so moving on. I just want to explore the applicant's response to EXQ, one question. Ca, 1.9 so that was about the white land on the land plans.

1:17:05



Can we have a look at plot two slash five A, so that's the land to the southwest of the construction compound, and also two slash 5b which is the location of construction compound.

1:17:22

So

1:17:44

that's great. Thanks.

1:17:46

So just like the applicant to explain the reason for needing to temporarily possess these two plots of land, because they are quite they are quite large. I know the construction compounds there, but there is a lot of white in that location,

1:18:00

and I need to be sure that you're a taking as much land temporarily as you need to.

1:18:15

Phil, am I some for the applicant? So plot two, five A and as you so there are on the work sponsor, agency, sort of permanent features which move from west to east, if you like. There are also, I really need to get this reference for the examination, library reference, so the figures to chapter two in the environmental statement. So through that document, sorry, I think somebody might have just messaged

1:18:42

me a PP, 057,

1:18:45

in the rear of that document, there are some temporary construction sort of layers, which perhaps are helpful to consider. Perhaps we can without throwing causing my colleague issues. I wonder if we can put them on screen. I think they've helpful to it to see what's going on in the white areas, if you like. So like. I would suggest the plans are going to come up. They are based on preliminary work around material stockpiles and such like. So they do show

1:19:11

construction features, if you like. In that temporary land, it still would perhaps leave areas of white land, if you like. But on our

1:19:19

preliminary assessments of from our sort of mass Hall of earth works. So it's just appeared on screen now. So if we, I think we're perhaps describing what's the references now, two, five, A, is it first? So you can see there, there's a rectangular so the first thing

1:19:37

we do when we start construction in the sort of new areas, strip the top soil back. We generally would use that where we can to stop our topsoil, accordance with guidance, if you like, how high we can stop our soils. But we would tend to push that to the boundaries of the scheme, because it has a screening function, if you like, through the construction phase, so you can see there with can't

1:19:59

see the key.

1:20:00

But there are different areas assigned there, so which perhaps sit in those areas you're referring to that are white areas, if you like, I would say that that's a based on preliminary sort of construction planning, if you like. It was based on what we can see in terms of our phasing and the construction earthworks, mass Hall volumes and such like, at that quite early stages of developing the environmental statement, but that those

1:20:29

plans perhaps show features that sit within the temporary land during the construction phase.

1:20:37

Yeah, I can't see that the key the greens are turquoise lines. You just

1:20:46

clarify what their stockpiles.

1:20:51

Okay,

1:20:53

and those two plot though five, slash two, a and five, slash 2b,

1:20:58

they I know one is one owned by currently owned by national highways. I know the other one is

1:21:06

for agreement.

1:21:09

There is a lot of the fact that both slash five suggest that in ownership the same person

1:21:16

who have not currently submitted any representation to the examination line. We last met with them, beginning this year,

1:21:25

and we explained the scheme, what all the use was for. We talked through the permanent features, environmental mitigation ponds we were just referring to 10 or 20 minutes ago.

1:21:36

And you know, we didn't send, we didn't leave with any particular actions,

1:21:42

we re engaged, as we did with a number of passes in the room, even section 56 notification. So

1:21:49

they've chosen that read voluntarily. We haven't agreed kind of terms are in the light for voluntary, temporary possession,

1:22:00

but

1:22:02

we're just noting that they haven't submitted a representation. We did meet with them just prior to putting the application with a sort of final proposals. Okay,

1:22:12

yes. I think those plans are perhaps helpful in terms of your query, your line of query there around the white spaces that shown on the worst ones. Yes. Thank you.

1:22:25

So you might want to keep that plan up, because I now have a question about plots two slash 8b, and two slash 3c

1:22:34

they are just to the south west of the junction. So maybe if you just move that plot

1:22:43

up, thanks.

1:22:47

So again, there's two, there's two areas that are mainly white. You've got a couple of access tracks.

1:22:54

And again, I was just wondering why you needed so much,

1:22:59

even showing that I still do wonder why on plot two, slash 8b

1:23:04

you haven't brought it closer into the

1:23:08

attenuation pond.

1:23:22

So those sorry Phil, and listen for the applicant. So believe we're looking at two, 3c, and two, 4b, isn't two. Maybe

1:23:32

actually in your agenda, you lay out all the green plots in this area, actually, I think particularly around the pond there in two, eight a

1:23:42

I think the point where we're reflecting on the agenda, and actually this area is quite a tight area for working room,

1:23:49

if you imagine that, as I was describing in the other plots, the first thing we'll do is strip the area of

1:23:56

topsoil, which there are then used to reinstate and such like that needs to be stored somewhere to be efficient, we do that immediately adjacent, and it potentially has a screening function. So we always do that. So as I said, the temporary construction layers, which shown on the right, on the screen at the moment, again, yeah, the white area to suppose, on that plan, there's quite a lot going on when we when we strip the area, we need to deal with any kind of surface water runoff. So we need to stop our materials, temporary storage of tops over the first one we bring materials in.

1:24:28

So there's material storage, stockpiling materials, and then such like, you know. So if we, if we make a bundle, if, I'm sure you've seen that area of the site, the ground is rolling rather the topography, the lay of the land is such, and there's a there's a water cost down there, you know, we'll need to put temporary features in which are described in mitigations during the construction phase for dealing with water runoff. So there's actually quite a lot so that we can't detail it up at the stage. But where we store material, we need to make sure that there isn't surface water runoff. Is the best example of.

1:25:00

Something which kind of a footprint and a hard feature while we're there during construction, to be interested at the end, but we would need to deal with where we have temporary surfaces and such like, and it is the ground does roll off there, and so

1:25:12

to create flat areas to store materials and such like, it's actually really quite space constrained down there for us to deliver it, but to be efficient, we don't want to be hauling the top soil off to bring it back

again. And, yeah, we do stop all that. And there's a lot of work to do there associated works with the widening of two. One, see the pond? Yeah, there's a it's quite a compact area that

1:25:38

is this two slash 3c

1:25:42

that as it shows, really, it hasn't got any of the stockpiles shown, or the pond or it is, but you're saying you probably will need that area Absolutely. And perhaps, I think we could probably just describe a few more of the features that would comprise the temporary elements, if you like, during the construction phase. I think for each lot, we can quite easily do that. I think that would, that would be helpful, just so I've got the justification to explain why. Sure, these areas, and while we're looking at it, looking at plot to slash A E,

1:26:14

I can see you've got an area of storage there, but it has a very strange sort of tip at the bottom, that's that's white, that comes adjacent to sin Mr. Lane.

1:26:25

White, yeah. Well, so far, that's fine. Quite early on the scheme, as we were going out, engaging with people landowners, you can see Corday lane there, is just to the west of plot 280 and there's a lot of discussion about, do we use corda lane?

1:26:42

People access their properties down there. It's used by the farmer and such like. The conclusion was that we would create a temporary horde. So I think it is shown the yellow line on those temporary construction layers, again, sort of fills that protrusion, if you like, from two 8e where it moves down towards 211

1:27:01

we then need to form. So it's a new access we're forming basically during the construction phase to semester lane.

1:27:08

And so we've widened it out there, just because we don't quite know we'd be talking to Barry council about the formation of a temporary access there. So 211 I think, was queer as well. That's the pavement. It might just need a drop curve temporarily, but we would engage with local highway at that time, and it's the formation of a temporary access advocate. If you could give me a bit of detail, and just to explain that, I mean that all makes, that makes sense. And yeah, I did have a question about 211 Yeah, so we, I think it will be in reference to those figures on the right hand side, as it's displayed on screen at the moment. But we can perhaps, what we can perhaps, where there aren't areas polygons showing you material, stories or whatever, exactly what's going on there? Yeah, yeah. Thank you.

1:27:52

We've been going for nearly an hour and a half now, so I think it's probably time we took a quick break

1:27:59

for those watching on the live stream, to ensure we get clear recording files, you will need to refresh your browser when we come back after the break so you can continue watching. So we'll just take a break now until

1:28:12

1145

1:28:15

Thank you. Thank you. This hearing is now adjourned. You