



## Hearing Transcript

<b>Project:</b>	M60/M62/M66 Simister Island
<b>Hearing:</b>	Compulsory Acquisition Hearing 1 (CAH1) – Session 2
<b>Date:</b>	26 November 2024

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# TRANSCRIPT\_M60SIMISTERISLAND\_CAH1\_SESSION2\_26112024

Tue, Nov 26, 2024 3:33PM • 1:02:31

00:05

Okay, the time is now 1145, so we'll reconvene this hearing. Can I just check that the live stream has commenced? Thank you. And can everyone still hear me? Okay. Okay, so we're going to move on to item 2.3 the purpose of today is not to hear detailed discussions on individual plots, as at this stage we'd expect the applicant to be attempting to resolve any differences outside of the examination where we've not received a representation, we're assuming there's no objection. The ESA aware from the relevant representations and submissions at subsequent deadlines that there are a number of specific plots where there still are standing concerns, the schedule of negotiation, of compulsory acquisition submitted deadline three sets up the current status of negotiations in Appendix A, and this is rep 3021, I'm just going to ask the applicant start by providing an update with regards to the current state of negotiation, excluding those which is to be dealt with by the means of protected provision, which we're going to consider under Agenda Item seven. I'd like to know the likelihood of a voluntary agreement being reached and the timeline for submission of these agreements or the withdrawal of any objections to the examination. I've got Appendix A here, and I do have a few questions. So if we could just go through in the order of the appendix, just for each plot, that would be helpful. So we'll start with the very metropolitan Bucha Council plots.

01:42

Do Tony Weston for the applicant. So there has been extensive engagement with very Metropolitan Borough Council, including in its capacity as landowner. There isn't currently a proposal to enter into an agreement at this time with the council in order to acquire their land. They have indicated to us that they have no objection to as exercise and compulsory purchase powers to acquire their land in due course.

02:07

Okay, does the council want to raise anything on this?

02:16

Here's Radley Smith for the council. Nothing except for to add, but that's correct.

02:23

Thank you. Okay, so we'll move on to the next part of which is Joseph Holt limited, so I understand that you've met with representatives. Can you just tell me when this happened? What's the what's the current outcome of these discussions? I of

02:45

Tony Weston for the applicant. Obviously aware that's a representative from Joseph Holt in the room today. We had a meeting with them a few weeks ago. I can't recall the exact date, I'm afraid, but we have since then exchanged emails with the agent for Joseph Holt, and we have, in principle, agreed terms which would deal with their primary concern about the proposals to acquire interests over their land, which relates to access, permanent access rights for future maintenance of the scheme. So Joseph Holt has aspirations, potentially in the future, to redevelop their site, and they are seeking that we include within the scope of the new rights, the ability for those rights to be lifted and shifted to accommodate any development which might occur. So we've exchanged emails to say that that we have no objection to that, and we are going to now move forward to draft a legal agreement with the expectation that we can conclude that before the end of the examination. Okay, thank

03:49

you. Would miss Matthews. Like to comment on this?

03:54

Yeah? Claire Matthews on behalf of Joseph Holt limited, I don't wish to repeat what Ms Weston just explained, but yes, that is the course of proceedings since, since the last hearing, my client's primary concern has been with the direct limitation that the access rights would impose on any future alternative use, and therefore concerned with the impact that that has on on value. We have engaged with national highways, and although the contract has not yet been formalized, as of yesterday, we reached an agreement in principle for legal agreements allowing for the lift and shift of the proposed access rights. The terms principally agreed include the right for Joseph Holt or any successor entitled to implement the lift and shift, and that the access rights would not exceed the extent of the access land currently described within the land plans, and that the new access rights would not be materially, materially longer or less convenient than that. What is proposed. Within the DCO scheme, we would also act the legal agreement to preserve Joseph Holt's rights to make a claim in accordance with the compensation code, and such claim is yet to be agreed or determined, but this is to include an undertaking of the professional fees incurred by Joseph Holt in relation to the acquisition of rights. So these are the terms that we have agreed in principle with national highways and my client, Joseph Holt limited, and in light of what was agreed yesterday, we just want to update the examining authority and to inform them of what has been agreed and that my client is making every effort to reach agreements and to resolve the issues raised within the objection. But I'm also here today to ask that the structure of these agreed terms are included within your recommendations ahead of the contractual agreement being agreed to protect my client's position.

05:55

So Wednesday envisioned that any actual signed agreement will be completed

06:03

Tony Weston for the applicants. So we only agreed terms yesterday, but solicitors now, a solicitor is now starting to work up the draft, so I would hope that the agreement would certainly be in place before the end of the examination, probably much sooner than that. But I don't want to over commit, because there's always the devil in the detail to resolve so but yes, I would hope that you know by the end of the examination, all of the concerns of Joseph Holt have been addressed. I

06:43

so while we're just talking about these plots, I did have a question that I asked the a 110, so q1 questions about some plots where you're only looking to have rights and not temporary possession and rights you applied to that. My question saying that the plots 133 b1, six A and one 6d were the ones that only required, right? Just want to clarify first, when you said one six a, I think that should have been one 6b so just want to clarify that. First, I

07:36

Yes. Tony Weston for the applicant, we believe that's right. Yeah, sorry.

07:40

Okay, so I understand there's only three plots where you're only looking to acquire permanent right and there's no temporary possession. I do have a concern that this isn't reflected on the land plans, because the land plans show blue as temporary possession and permanent rights. I know blue is quite standard, but obviously those three plots, you're saying you don't want temporary possession. And I'm concerned that also, in the statement of reasons, it says that these three plots are looking for land to be used temporarily. And right then there's a bit of confusion the book of reference. So the documents aren't all consistent, and I was just wondering where there's something you can do to make sure that land plans and the statement reasons and the book of reference do all all lined up. And we are going to talk about the development consent order as well and how they're COVID in that.

08:34

And Tony Westham for the applicant, yes, that's fine. Well, we'll take that away and have a look at it and then feedback, if that's okay.

08:44

Yes, that that would be helpful. I also, when I was looking at this today, I do have a bit of a concern that the book of reference might be incorrect. Might be me not reading it correctly. But when you look at Part Three, so about page nine, 495, I've noticed that plots one six A and one 6b seem to be occurring twice, referenced in different size plots. I've only picked up that. So could you please an action point just review, and I know it's I know it's massive, but review the entire book of reference and just look for any errors and amend is required. Yeah, Tony Weston,

09:21

for the applicant, yes, that's fine. I've just scrolled to that page and I can see what you mean. Yeah.

09:27

Does anyone else have anything on this plot that I'd like to raise before we move on? Okay, so we'll talk about national grid in item seven. So just moving on to the trustees of pike fog golf club. If you could give me an update on how negotiations are progressing there, please.

09:49

Tony Westone, for the applicant, negotiations with the golf club are progressing very well. We prepared heads of terms some time ago which the golf club has commented on they've instructed solicitors to act for them to review those we've now amended the heads of terms, and we hope to agree those very shortly, which will allow us to then progress to a legal agreement. The hope is that we conclude the agreement quite quickly, because one of the proposals is it will facilitate some works within the golf club site to mitigate the impacts of the scheme on them, and there is some aspirations to start those works kind of as soon as possible, really, next year. So So yes, we would hope certainly that the agreement will be done soon, certainly by the end of the examination.

10:40

Thank you. And while we're looking at this plus of land, could you Sorry? Could you just show the land plans to show plot for slash to see, and next to it is four, four, slash three, which is the Crown land. I just once again understanding why you need both those plots. I

11:08

oops Thompson for the applicant. So we've got a number of different plans which show the existing drainage network that flows from west to east, and it's strays over, and it's shown in a few different locations across those two different parts. Basically, we've shown the rights acquired and temporary possession at this stage. We don't know the condition of that drainage. We've We've done some drainage surveys, you might imagine. So it's in there, because the drainage is somewhere within those plots, various states of condition, whatever. So we we may have to do some remedial works to it. There is also a, I believe, in one of the plots, I can't remember which one it is actually, there is a kind of generic rights to maintain drainage, but not specifically in the name of national highways. And so that's what that blue land is representing, and the purpose of it is the existing drainage works across there that may require some real work, but certainly the position on the rights for maintenance needs addressing.

12:18

Thank you. Yeah, that makes sense. And anyone want to raise anything about the land of the trustees of the pipe for golf club before we move on? Okay, so next moving on to land and by the Hillary family, if you if the applicant just gives us an update on negotiations, and then obviously we'll hear direct from representatives of the Hillary

12:46

family, Tony Weston, for the applicant. Essentially, I set out in annexe, obviously, we wrote to the landowner, inviting them to enter into discussions for the acquisition of their land by voluntary agreement. We've also engaged with them at the section 56 notification stage, and we understand from their relevant representation that the Hillary family are open to entering into discussions with national highways with a view to perhaps a voluntary acquisition. But that's the extent of the engagement at present. Obviously, we're pleased to see that they're here today, and we are certainly willing and happy to further those discussions with a view to resolving their concerns and acquiring the alarm by agreement where possible.

13:37

Thank you. Would the Hillary family like to make any comments on this.

13:45

Chris Stroud, for the Hillary family, we're open to negotiation, open to discussion, but I think you realize that we have a significant conflict here because of the allocation of our land within the places for everyone PFE and the whole of the site, including the whole of the permanent and temporary land take required by national highways, has actually been allocated and adopted by berry council for employment and industrial development as part of the Northern Gateway element of PFE. Fundamentally, that creates a significant issue as to the value of the land. Put simply, I think we are generally in agreement and acceptance that the permanent take as originally proposed, which is the actual land take required for the construction of the Northern loop, we don't particularly disagree with what we do fundamentally disagree with. Is the permanent land take of the those sections of land which are identified for environmental mitigation. We don't see how this can reasonably be justified, and indeed the initial iterations of the national highways plans that we saw and which were consulted upon and which we were given the opportunity to respond to, showed the two significant areas of environmental mitigation as temporary land tech that proposal also took, it assumed that the there would be the permanent take of a field, which was, frankly, it's the next field along to the to the east of the northern most section of

15:58

Would it help if we just had that on? I think it will be okay, right? Okay? Do

16:40

Thank You. So we're looking at plots two slash 16 A and B and D and then 216, C, 16 E and 216, F.

16:57

James Garber for the Hillary family, we were planning to make some submissions about two plots in particular, if it's helpful for me to come back on those once you've finished with the applicants, in terms of updates on negotiations, we can do that, or I'm happy to go now, if

17:17

for you to cover it now, Just to clarify which which plots are still of concern, and which plots you're you're happy with that? Yeah, that'd help if you do that now, please.

17:26

Super Sorry. It's plots two slash one 6b and 216, D, which, which form the basis of our submissions. And as, as Mr. Surround said, if, if the Secretary of State is minded, that the case for the scheme as a whole is made out, then we think it follows that the land necessary for the northern loop itself, the acquisition of it is is justified, excuse me, and just just for your notes as well, that the key documents, which I won't repeat today, but which are relevant to the points of my clients, written representations, which is our EP 1040, and The applicant's response to the relevant representations, which is 020, two, zero. And there's two points we want to update you on today. One is, as Mr. Tran mentioned, is the publication of a draft of the Northern Gateway development framework, supplementary planning document, which has been jointly promoted by bury and Rochdale councils. And we say the SPD is

important because it does indicate that all of the land within the Hillary family's ownership is included within the potential developable area, and there's an acknowledgement that smart land might be needed for the loop itself, but that's all at this stage. And clearly there's an element of judgment as to the stage that SPD is at, etc. But nevertheless, cumulative, these two plots amount to about 10 Sorry, I'll rephrase that these two blocks outside of the land needed for the northern loop amounts about 10 hectares of what we say is developable land within an employment allocation. And in due course, there will be a need for discussions about value. Um, but we'd rather avoid that if we can, in respect of land where we don't think there is a compelling case that that land be taken compulsory. And that brings us on to the second issue we'd like to update the. The examination on today, which is the the justification put forward in the applicant's response to the relevant representation, in so far as the need for the environmental mitigation, which forms the balance of the need for the permanent acquisition of these two plots, and I appreciate we'll cover the need for and the adequacy of the environmental mitigation tomorrow. But in terms of that balancing exercise between my life, my clients, private land interests, and the need for that, I think it's very much relevant for today. In in document 020 the applicant points us to two requirements for viable environmental mitigation over and above or in addition to biodiversity net gain, one is the need for bat foraging areas, and the second is the need for some planting, some screening from key viewpoints, and the response takes us to the relevant sections of the environment. The environmental statement. When you look at the environmental statement, there's in terms of bats, there's no bats identified in the survey area, and the ES says that losses of foraging habitat will be small in comparison to the overall amount of habitat available, and in respect of trees and screening, there's moderate adverse impact in year one and a negligible impact in the design year. Of course, all that has to be understood in the context of an allocation and likely developments of this, this wider context and setting any event. And the further document I take to at this stage is, is, I think that the closest we can get to understanding the detailed proposal for the use of these two plots, which is, I think, figure 2.3 of the environmental statements, which is the environmental master plan, and that does show some screening and some various environmental mitigation, but we say that that doesn't require the full extent of the two plots which have been identified. And the response at document 020 also refers to the fact that these two plots are being taken initially for temporary works, for compounds, etc, and because the land will be taken for that purpose, it's then easier to provide the mitigation, to bring it up to the standards the applicant desires. But we say there's perhaps an element of convenience in that just because that land has been is needed temporarily for construction, it doesn't then follow that it's permanent acquisition is necessary for environmental mitigation, or certainly not that the full extent of the land is needed for that permanent acquisition. So at the very least here, there's a balancing exercise between the benefits of delivering the full floor space of this employment allocation and appreciate. That will be a complex journey, but there's land equalization, or there will be throughout the the allocations. This is valuable land, not just to my clients financially, but valuable in terms of delivering the full extent of the the allocation and the need for environmental mitigations, the extent that that is demonstrated tomorrow. And we say when you balance those two things up, there needs to be a really overwhelming, compelling case for the acquisition of the full extent of these two plots and and we say that that simply isn't made out on the papers before the examination at the moment. So that's been helpful. I or Mr. Shroud can take any questions from you or the applicant in due course. And I suppose before I finish, I was really grateful that you raised the point about pond number one as well. I wasn't proposing to repeat that today, because it is our set out in our written representation, but again, we say

if that pond can be accommodated within the footprint of the loop or closer to the built form. Then, then it should be

24:26

okay. Thank you. I'm going to go to the applicant first so you can respond to what you've heard. But then I'd also like to ask the council if they'd like to respond on the comments about the Northern Gateway and give some updates on that. Okay, so to the applicant first, please.

24:50

Tony Weston, for the applicant, obviously, a number of points have been raised there, some of which have already been made before and which we've responded to in right. Thing. I'm also conscious that some of the points that have been made, particularly in relation to the redevelopment the Northern Gateway proposal and the SPD, which has recently been published in draft, are on the agenda, I think, for tomorrow as well. So I think there are probably two issues really, which is, which is one, the compelling case and the public interest point. And I think we have responded to that previously, and I think we can obviously respond again in terms of the points that have been made this morning on the second point. I think a lot of the points seem to go to valuation. Certainly, my understanding is that the Hillary family do not have proposals to themselves redevelop their land. I think that they're effectively looking to obviously extract value from the land when it is allocated for development as part of the Northern Gateway proposals. And so that goes to matters of compensation for which they would have a claim if the land was acquired for this particular scheme, I think perhaps just to put it into context as well, obviously one of the strategic objectives of delivering this scheme is to support economic growth, and in particular, delivery of the Northern Gateway allocation. So it all becomes somewhat chicken and egg without the scheme, the capacity will not be exist on the road network in order to support delivery of the Northern Gateway. So we do have to be mindful of that as well. And obviously we welcome the input from the Council on that particular point. I think probably leave it there, if that's okay for now.

26:43

Yes, yes, okay, so can just move to the council to just give us an update on the Northern Gateway and where things I think so with that.

26:55

Yes, thank you, peers. Riley Smith for the council, so there is a draft Northern Gateway development framework. It will be a supplementary planning document. The stage it's currently at is, it's currently at an eight week consultation period, which started on the 15th of November, runs, I think, until the 10th of January of next year. It does already in the first draft. It does reflect the northern loop and the pond as well. They're featured within it. It will, if and when it is adopted, become a material planning consideration. But as I'm sure you're both familiar, the process in which that will happen is the council as well as watchdale as well, will need to consider any representations that have been made, consider whether it goes in its as it were current form, to both cabinets for approval. They may want some amendment to it. Alternatively, it may be amended before it goes to approval, so it's at a fairly early stage of that process. And I hope that assists in terms of a factual update. I'm not sure there's much more in terms of any commitments as to what it would eventually say we can make beyond that.



28:16

Okay, thank you.

28:20

Can I just get some clarification? Because I think in the representation that the Hillary family submitted a deadline, one of the relevant representations you made reference to a master plan for the northern loop is that the same thing as the development for you is the development framework, a more strategic document with more detailed master plans to come after it. Or are you referring to the same document, essentially?

28:48

James garbet for the Hillary fund, yes, it's the same document, essentially. And I, I agree with Mr. Riley Smith, they'll, you know, hopefully, be an adopted SPD. Then, no doubt, as planning applications come forward thereafter, there'll be master plans within each individual application. Thank you.

29:08

Thank you. Yes.

29:10

Chris Stroud, for the Hillary family, I'd just like to pick up on something that the lady from national highways may comment on, just to clarify our options as to what we do, either as landowner and or developer, and I'm a developer, are not yet finalized, and we're discussing with various people various options with the market, And we've had meetings with bury Council along those lines, but fundamentally we we find little or no justification in and that, that the plan that's up there is probably not the most helpful one. The most helpful one is perhaps the the. This one with the showing the areas of

30:05

works plans the works show that, please, thanks. Do

30:34

that's the one. So you can see from the blue shading that the environmental mitigation areas form part of each of those two parcels that we were previously referring to. So there is no one part of those parcels, which is we accept wholly or otherwise. And if you just sort of zoom out of that plan slightly so that you can see the whole of the 360 degrees around that island. We feel that we are being unfairly burdened. And if you look at the two plot areas for environmental mitigation with our land within our land area, which is in the north eastern quadrant, you can probably recognize why we feel unreasonably treated and allied with the fact that we Have the Northern Gateway development framework, and we have SPD, and we have the allocation of all of our land, including the loop within the places for everyone, then we feel that we're effectively being used as a mitigation area for virtually the whole of the scheme. We've just touched on the land the shaded in white and buff color, which is the area to the in the north western quadrant, we've touched on the area in the south western quadrant, which was, I think, described by Northern national highways, as being undulating, perhaps difficult in certain respects. Well, why aren't these areas being looked at if one was acting reasonably and with a fair apportionment, the total area taken from the Hillary land is something like 27 acres, of which 17,

approximately is taken for the that core area Around the the actual northern loop itself and the balancing pond and drain. The other two areas in blue are 11 acres. Now that's 11 acres of developable land that has been allocated for employment and industrial development in places for everyone, and as is being confirmed by the emerging SPD master plan, so we feel there's a fundamental unfairness there that hasn't been fully justified, bearing in mind that the in the first iteration of these plans, both of Those blue areas were identified as temporary land take, not permanent land take. Now we had no problem with that. We accept, as developers, contractors, land owners, that that land is needed temporarily whilst doing works of this, this order, but in the second iteration, we end up with that land being permanently taken with a sort of half hearted justification that, well, it's going to be affected anyway during the construction process, so why don't we take it as a permanent take? Well, we fundamentally disagree with that and this whole idea that it's needed for in terms of the responses that we receive to our reps, that it's needed for bat mitt foraging mitigation and for visual amenity purposes to shield the northern loop itself seems a bit, dare I say, flaky.

34:47

Could could you just put the land plans next to the works plans again for me, just so I can look at the plots compared with the works plans. I.

35:31

Thank you. I'm conscious we will be talking about the environmental mitigation areas tomorrow, but equally, it's important discussion today, could I just ask the applicant just to respond to some of the points that Mr. Strauss made in terms of why the environment mitigation is where it is. You know what consideration is being given to? Could it be elsewhere? If you could do that, that would be helpful, please. I

36:13

Thompson, South African, I'm grateful for the responses. I think the Hillary family have always been very clear in being able to articulate their concerns, and we recognize that, I think we had prepared to go into quite a lot of detail, that seeing the agenda for tomorrow, we did spot the link between this hearing and the agenda item for tomorrow. I described earlier that these things existed in mosaic, and I do pick up the point about the particular elements in the most recent representation, or response to representation that have been made. Yeah, we've got some people here today. We've got other people here

36:51

tomorrow. Now, if it's easier to leave, if you've got the right people, then

36:56

I'm mindful the Hillary family made efforts come today with representatives. I'm not sure if you're here tomorrow. You are okay. I think probably we've heard the points. I think we understand the concern. Of course, we've prepared notes to speak to tomorrow. I think probably my feeling is the best thing we can do is we've heard the points today. We can probably try and frame our notes for tomorrow based on what you've heard today. I appreciate this. Hearing is for one purpose. The hearing tomorrow is related. The agenda has already show that link. I'm just struggling to know if we could really get into it today,

absent some of the specialists, I think probably if it's helpful, we'll try and frame our responses, or however, work overnight to address those specific points and try and put this thing together in a kind of cohesive narrative that then we can perhaps exchange over tomorrow. If that's

37:51

helpful, yes, and obviously, while you all hear, you know, if you Yeah, I'm outside the hearings to discuss and move things forward that that would also be very

38:00

I think it's fair. We've now spoken to a number of the representatives in the room a number of times. We've kind of got a bit stuck on this point. And, you know, I think we're we understand the positions, we understand the developments coming forward, the timing of all that. It's all, I think, is all well understood between the parties. I think the principles as they've outlined, in the concerns. I think we understand. We obviously are where we are, but we will get into that perhaps tomorrow. We will certainly try and shape our responses. We're typing away here to people who aren't here just now, but are coming tomorrow to start looking at some of these, and I'm sure some are watching the live stream.

38:36

Yeah, yeah. No, thank you. That that'd be that'd be helpful. And yes, it's on the agenda tomorrow, and we will make sure we cover it. There's probably not much more we can progress on that issue at the moment. Listen, he wants, wants to raise anything else before we move on.

38:48

Just two short points. Sorry, James Garber, for the applicant, I'd like to come back on just briefly on two points made by Miss Weston. Firstly, about the the the interrelationship between the northern loop and the the allocation. And I think we accept that there's no point taken in that regard. I think it's accepted that the that the scheme does help deliver the allocation, it's principally those areas of mitigation that we're concerned about, if, if the case for the wider scheme is made out. And secondly, Miss Western put the point that some of this comes down to valuation. And of course, it does, but we would rather not, if that's one way of putting it. You know, there's, there'll be very complex arguments around that valuation, and there's a cost to that to a landowner, and there's delays in terms of formalizing planning strategy. So we say, unless that compelling case to take all of this land for environmental mitigation is made out to your satisfaction, then the question valuation then simply doesn't arise. Because, because the land is only going to be taken temporarily.

40:05

And yes, and I think, I think I understand that the main issues are the location of the pond and the environmental mitigation. We've talked about the location of the pond, are you going to supply some more information as to what works? What would be the implications if it wasn't the center of the loop? And we'll cover the environmental mitigation tomorrow. Okay, thank you. Is there anything else anyone wants to raise before we move on? Okay, so next is the Massey family. I don't believe they've got any representation here today, and so if the applicant should just update me on where agreements and negotiations are with the massive family, and I'm conscious we did get in an additional vet from them last week that I hope you've seen it was published quite quickly. So does that as well to consider

41:00

Tony Weston for the applicant, the position with the Massey family is very similar to with the Hillary family. So there was some there has been engagement to date, and we have written to them, obviously indicating that we would be open to entering into discussions with a view to a voluntary agreement with them. There's also been further engagement at the section 56 notification stage. We have seen the correspondence from them, and we will be reaching out to them again to try and progress those discussions. But certainly at the moment, we haven't had any, you know, the correspondence we had recently is the only thing we have seen from them recently in terms of a willingness to kind of enter into discussions. So we will pick that up now with them again.

41:42

So can you give me time scales on if, when you think any sort of agreement will be obtained? I

41:49

think it's really difficult to give a timescale, given that we haven't really progressed the discussions with them significantly, because they've only just reached out to us. Certainly we would, you know, kind of reach out to them, find out what their position is within the coming weeks, and then we would hope to update you, perhaps at deadline five, when we issue an update to Annex E.

42:20

Just while we're on this we had a rep. So rep 1035, came in from urban green, who said they're representing Massey Kilroy and brown and then Massey COVID in your schedule negotiations, I haven't seen anything in relation to any Kilroy or brown plots. Can you just clarify what's what's happening in that respect,

42:45

for those of the applicants? Yeah, it's the massive land that is directly affected by the scheme. They're obviously working. You've seen the plan they've submitted. It extends beyond the order limits to perhaps landowners who we would wouldn't have engaged with as part of the scheme and so. But they're obviously, clearly jointly, clearly jointly promoting that development, of which some of the order land is included. So I think it's probably in those discussions they're having, we're aware that they're talking to the council about, you know, the draft SVD we've talked about, and such like. So I think I suspect we spoke to massive family on a number of occasions as we've gone through consultation events and such like, I don't know, but suspect we met them in person, on site and such like. So suspect that focused on all the work that's been going on with the council in developing that proposal that we saw at that most recent representation. But as we said, we'll pick up with them and just find out where we are, where we've things like,

43:42

okay, the council like to raise anything respected to those particular plots.

43:53

If we just showed the plots on the screen again, it's the plot. It's four. Hang on, four, slash eight a, four, slash 8b, and if you could show the land plans and the work plans again, because I do have a question that relates to that. No, okay, I just have one question about plot for slash b. You're looking for temporary possession. Again, this plot is all white on the works plans. I'm sure you'll probably point me in the direction of the chapter two figures. But if you could just clarify what that plot of land is needed for, I

44:36

think along with the action that we took earlier, we can include that plot in the summary, I think what is probably worth just noting is the sort of protrusion that goes off to castlebrook is, of course, on the alignment of the existing drainage from the highway, and so the pond is tying into that drainage network. So that's why it includes the Bank of her. Castle Brook, because that's where the outfall is for the existing drainage. So, so that, and some of the temporary land that's shown there is related to the potential needs to go in, as with the other plots, to go in and relay that pipe or fix anything on it. So, so there's an element of a corridor, if you like, to where the existing drainage is. And that certainly forms an element of that temporary possession of land.

45:23

There's no permanent connection from the from the pond to that bucket. There's no connection across this afterwards. There's

45:31

an existing connection which we tie into at the outlet of the pond ties into existing drainage. Yeah, so the pond sort of sits on the existing drains. Yeah,

45:44

thanks. So on my list from here onwards. So we've got the bosdane properties limited Mark Holt. We haven't had any representation from any of these parties to say that there's any sort of disagreement, but they are included on your list. So could you just give me an update as to why they're included? If there are disagreements, how are the discussions going

46:07

Tony Weston, for the applicant, as you say, none of the people on the remainder of the list have objected to the scheme or to the acquisition of their interest. We did write to all of the landowners, and some of them have replied, but there has been limited engagement with them. They seem quite content to allow the the application to progress and for matters to take the ordinary course. So, yeah, it has been kind of limited,

46:36

I think, just to add, as it as it says, There was a number of people who we spoke to at some of Section 56 who we considered with the more the affected, more affected interests, similar to the Hillary's. So James E France, we've talked about already, John warhurst and such like. So there's certain people who were particularly affected by the land assembly, who we've actually reached out to signpost them

to the section 56 notification coming in, the opportunity to register as interest party. And so we talked through that with those people who are noted there around the time of Section 56

47:12

Yeah, and Mina, obviously, I just want to encourage you to continue working proactively with them, because in the first instance, especially the line can be quite voluntarily than using the CA process. So just going on to item 2.4, are there any other effective persons who want to raise any outstanding concerns with the examining authority? Have not already been discussed.

47:39

I see no hands. Okay, so we'll move on to Item three on the agenda.

47:46

So this is Crown land. There's obviously only one plot identified, which is plot four, slash six. We've already talked about why you need that, along with plot four, slash 2c. The latest schedule of negotiation, of compulsory acquisition. So rep, 3022, didn't really provide a detail regarding negotiations with the relevant government department, aside from saying that inquiries were continuing going forward. Can You Supply more information, and can you now just give us an update in the position of obtaining crown consent?

48:17

Thank you. Richard thurling, on behalf of the applicant, firstly, just to clarify the plot references for stroke three, I think rather than four, stroke six, I think that's according to my note. And as I look at the

48:32

that's probably me, no,

48:35

it's just just checking we were literally on the right page. But in relation to the Crown interest, and to clarify, as requested, the Crown interest in the Crown land is held by the Secretary of State for Education, and that's by virtue of its funding agreement with the shore Education Trust and the examining authority will note that the freehold land is actually owned by bury Council, leased to the Trust for the purposes of the school. And therefore the applicant's been in contact with the government legal department, and we've recently been redirected to one but two sets of external lawyers operating for the crown. So we've, we've written to them, setting out the nature of the Crown's interest, noting that it's limited to that, that that funding agreement as a as I mentioned, and explaining the the rights that we've been seeking, and then, effectively, to seek clarification that they they do treat that as an interest in accordance with the precautionary approach that we've adopted, and if they do, then, then asking for the consent. So

49:52

I'm going to ask you about timescales. This is all going to be resolved before the end of the examination.

49:58

Ever the optimist, where. But I would like to have that we would get a response from the inquiries we've been making this side of the festive break, which would allow us to provide a better update at deadline five. I'd suggest, in terms of we're getting answered before the end of the examination. Therefore, I'm hopeful. Obviously, I need to see what the response is when it when it comes in. But if it doesn't, of course, there are provisions in the DCO that in relation to Crown land, particularly article 34 which prevents us from acquiring other than by agreement. So we would continue, in any event, to seek that agreement.

50:44

So obviously you'll have to submit a section 135 case the explain how the scheme will go ahead without the benefit of Crown land. If you can't get it, not wanting to anything that don't jinx it. But if you could have that, you submit that by deadline, eight, the seventh of March, if you haven't managed to obtain Crown land by that point.

51:08

On behalf of the applicant, yeah, understood, ma'am, really, I've made a suitable note. Thanks.

51:14

Can I just have any bonafante a land or and issued an issue lands been identified

51:22

again, Richard telling him a half the applicant, none that we've identified.

51:30

Thank you. Does anyone else have anything on crown lands before we move on? Okay, so just moving on to Item four, which is funding under Regulation five to H of the infrastructure planning applications provides prescribed forms and procedure regulation 2009 if a post order would authorize compulsory acquisition of land or an interest in land or right over land, the statement of reasons and a statement to include how an order that contains the authorization of compulsory acquisitions proposed to be funded and required the applicants provided both a statement of reasons so Aso, seven, one and a funding statement. That's a PP, 012, sorry, 01, 12. Under the Department for communities and local government guidance, the applicant has to demonstrate that there's a reasonable prospect of the requisite funds for acquisition being available, and that the funding statement should provide as much information as possible about the implications of both acquiring the land and implementing the project for which the land is available. I'm obviously aware that following the change in government, Sun road schemes now long no longer being progressed. In your response to Esq one question, CA 1.2 the applicant confirmed that the Secretary of State for Transport has commissioned a review of the Department of Transport spending portfolio, including current and future raise schemes, and that while that review is ongoing, the commitment to this scheme remains in place. Can you provide any further detail now in relation to this review, in particular, what kind of timescales are involved.

53:03



Thank you. Richard Thompson, on behalf of the applicant, essentially, at this stage, all I can confirm to you is that the position as recording in the funding statement remains accurate. We did know, in the interests of transparency, that there was the funding review that's ongoing, as far as the applicants aware that the scheme remains a committed project in the current road investment strategy, and therefore the costs of the proposed development include an appropriate allowance for compulsory purchase compensation to allow the proposed development to go forward within the sort of the five year period, if consent was issued in terms of specific point about can again any further update on the the funding Review, I'm afraid I don't have information relating to those timescales available to me today, we will continue, obviously, to monitor the interest, monitor the position, because we have an active interest in doing so. And all I can say is, you know, if that position changes, then we'll update, almost anticipate, you know, being a further point you asked for clarity on, maybe in the second round of written questions, we can endeavor to make suitable investigations. But at the moment, I don't have any more information for you. Apologies.

54:32

Yes, no, you know. So we just need to keep updated throughout the examination on any matters relating to funding. So there probably will just be another, another repeat question in ASQ too. But if you could just keep us, keep us up to date with any changes agency, with the review that would be, might be helpful. Does anyone else want to add anything on funding before we move on? I. So moving on to Item five, so human rights and equalities. Thank you for your responses to it's q1, so questions, B, C, G, 1.1 and CA, one point 13. And that's where you explored how you've had regard to the equalities act. Can you just briefly set out now, in respect of both the human rights and the public sector equality duty, the circumstances in which these might be engaged, whether there's any particular groups Mediterranean merit in specific analysis and any measures undertaken and or in process to address possible engagement, you don't have to repeat anything you've already could in your response to Esq one questions.

55:39

Thank you, ma'am. Richard Sterling on behalf of the applicant. So if I work through those in the sort of following order dealing with the Human Rights Act in the public sector, equality duty, then considering their group's meriting specific analysis, and then just talking briefly about the measures undertaken today, if you'll admit me, and you'll let me know if you would like me to speed up or stop. But essentially, the applicant has had and continues to have due regard to the humans right, Human Rights Act and the three aims of the public sector equality duty in section 149, of the equalities act 2010, Chapter Six of the statement of reasons and considers how this scheme complies with the Human Rights Act and legislation and notwithstanding any infringement of private rights of those whose interest in the land may be affected by the exercise of powers of compulsory acquisition and and temporary position temporary possession. Specifically, the applicant is mindful that if made the DCO may interfere with the human rights of persons with an interest in land. Whether that interference is justifiable is, of course, determined by having regard to the following two factors, firstly, whether the interference is proportionate. And then secondly, whether there's the compelling case in the public interest for the compulsory acquisition, or, in other words, do the public benefits of the scheme outweigh the harm to the individual affected by the compulsory acquisition? Obviously, I wouldn't want to repeat what we've already said, but the compelling case for the compulsory acquisition, we say, or the applicant says, is



set out in the statement of reasons. Obviously, if there were any compulsory acquisition proposed in relation to a residential property, a higher level of justification. Justification is normally required, but in this instance, no residential properties are proposed to be acquired for the scheme in terms of groups that merit specific analysis. Obviously, the applicant has undertaken an air quality impact assessment and submitted that with the with the application during the and that was undertaken during the preliminary design stage of the scheme, and the outputs from that assessment found in section two of the equality impact assessment. And don't think we've mentioned that document before. So the reference is a double P icon, 152, and the actions included contacting local faith groups, ensuring consultation events avoided religious holidays, and making public consultation material available in Braille, large print and other languages, which leads me into the sort of measures that have been undertaken by the applicant. Obviously, part of that would include the fact that hearings like the one today are blended events promoting accessibility for persons that are unable to attend physically and but the applicant has not been sorry. The applicant has not identified nor been made aware of any affected persons who have a protected characteristic under the equalities act, notwithstanding that just a practical example we can give in terms of the engagement the applicants had today is that the applicant was made aware that there was a Deaf local resident close to the scheme, and whilst she'd received all relevant material they applicant to go and visit her with a sign language interpreter to discuss the consultation material at that point and any any sort of questions that that particular resident had. So that's sort of the summary I was going to provide initially, if that's sufficient for your purposes.

59:39

Thank you. And can I just ask because either the statement of reasons or the equality impact assessment being reviewed since the application was submitted, in particular in light of any of the relevant representations, just to confirm that everything has been done to ensure that those, anyone with a protected character, has been captured and assessed to ensure compliance with the equality. That 2010

1:00:04

Thank you, ma'am. As I say, as far as I'm aware, no persons with a characteristic have been identified, so there haven't been any additions or updates to that documentation.

1:00:22

I um, we had a rep so rep 1045, referred to Article Two of the Human Rights Act, stating that should have been included in the statement of reading reasons the applicant's response to rec 1045, didn't specifically explain why Article Two was not included in the statement of reasons. Could I say applicant to respond on that point? Now please,

1:00:58

apologies. I've not got that representation just immediately in front of me. Are you content that I provide a written response action

1:01:07

point? Yes, it's fine. I

1:01:43

so unless anyone's got anything else they want to raise on Item five, don't see any hands, the next item on the agenda will be the Jeff development consent order. We're conscious. It's sort of 10 to one, wondering whether we have a break now and continue this after lunch, if that's okay with everybody. Okay? So we will take a short break now, coming back at two o'clock for those of you watching on the live stream, when we to make sure we have clean the chrome files. When you come back afterwards, you'll need to refresh your browser to can you continue watching? So we'll take an agenda now back at two o'clock. Thank you. Bye.