



## Hearing Transcript

<b>Project:</b>	A46 Newark Bypass
<b>Hearing:</b>	Compulsory Acquisition Hearing 2 (CAH2) – Session 2
<b>Date:</b>	03 December 2024

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# AUDIO\_A46\_CAH1\_SESSION2\_2024-12-03

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Thank you very much. It is just after a quarter two, so the hearing is resumed, and if I can now turn to the charity of Thomas Brewer, i

Good morning,

Lee came back. I'm chairman of the charity of Thomas Brewer. Just a few points we'd like to raise, if at all possible. First thing, I'll explain our interest in the land. You had the plan up before when you were talking to Mr. Thompson. That's That's the plan. Thank you. Our interest is in areas six, two a, six 2b six, 2c and six 2d which joined the A, 1133, and the A, 46, one of our questions is, or our concerns is, it's area six to see that's shown blue on the plan. It's probably not too clear on there. What it does say on the description on the plan is land to be used temporarily, but rights to be permanently acquired. A question to some degree, is, why is that different from the other areas of lambda to being temporarily acquired I items areas six to B and six to D. So that's our first point. The second point is the footpath that is going to be installed, which runs from hargan Lane from the village of Winthorpe, which joins the 46 there's a footpath being installed from there up to the island, Winthorpe island that runs through our land. We're a little bit concerned that there's no footpath there. At the moment, we have a tenant farmer on the land, and our concern is that the footpath has some proper protection, so there's no chance of public access onto the tenants land, or no chance of dog access on there as well. So some form of deterrent, animal deterrent, or people deterrent, would be appropriate, if at all possible,

is there? And I There are.

There are two main points, Mr. Chairman, I think I would like to just point out that, and we'll have discussions with the district value on this that we're losing 29% or our tenant farm is losing 29% of the farmable land that we have at the moment, which is obviously a concern for the charity, as the rent that the tenant farmer pays is one of our main forms of income, in fact, our only form of income, quite a big knock that The charity will take but we'll accept that, and we'll take that forward with the district valuer,

thank you very much.

Thank you very much. I turn to the applicant for comment. Two points. Mark

Sutton, on behalf of the applicant. Thank you for the representation on the first point. If I may go and look in detail at those land plans and a specific plotting question in regard to six to C and the reason that that's temporary, of rights, rather than temporary, I'm just apology. I can just give an update to the EXA that the reason for six to see being temporary or permanent access is to do with some utility rights that will be needed through that area in the future. But we can put that in writing. And if am I on the second point regarding

particular utility or sorry, is that a particular utility operator, or is it a general corridor that you need for utilities?

It's sorry. Mark Sutton, for the applicant, it's a general utility corridor.

Yes, if you could just confirm to us what that is and why that is. Thank you.

And to go on to the same mark seven for the applicant on the second point in regarding to the foot way, cycle way running alongside the edge of the boundary, there will be a boundary fence detail between the edge of that three meter wide footway and access track that will segregate those areas from the residual field systems. The fencing. Detail will be a post and all rail with detail to be confirmed with the liquid land owners as regard to accommodation with details, but often it's post and for rail detail, as per the design highway design standards with sheep or pig netting on it. Lee kamach,

Charity of Thomas Brewer, thank you very much for that. Just going back to six to see you mentioned the utilities. What utilities are there? At the moment, we're unaware of any utilities there.

Mark sullen for the applicant will respond back in writing on that one. We've got confirmation of all the details. Sir

Lee came back charity of Thomas Brewer, thank you very much. That answers the questions we've got on on this matter.

Okay, thank you, Mr. Sutton, look back. You wanted to come back again.

Sutton, on behalf of the applicant, also, just to confirm with the boundary detail, there'll also be a hedge marking the center line of the boundary, and then the fence is offset from that.

Okay? Thank you very much.

AC okay, if we leave, do we need to stay for the rest of the week? Up to

yourselves. Thank you very much. Or satisfied, dealt with all your things and feel free to leave. You're not being held hostage.

Thank you.

Thank you, applicant. Did you have any final comments to make? No, okay. Thank you very much. Okay, if I can then turn to aldergate properties I

Have we got somebody representative from aldergate properties?

No, who was the lady?

That was me. I wasn't representing older gate properties. I'm representing Lyndon. Sorry, yeah,

no, no, that's okay. I've got yourself and Perez solar to go. So if I can turn to Peridot solar. First of all, sorry, I'll come back to you in a minute.

James Cook, representing Peridot solar, just want to talk about land area seven, for e which is the Kellum proposed Kellum flood compensation area. The applicant, Peridot solar, submitted a planning application to Newark and Sherwood District Council for a proposed solar and battery energy storage scheme back in october 2026 that was across 65 hectares of land to the West of Callum.

We had

solar Sorry, that was 2023

23 sorry, 2023 sorry. We had a number of initial discussions with the applicant about the interaction of the solar farm and also the flood compensation area, but it was very high level, I'll have to say, so there's some application was submitted. We went through Sasha consultation, the Environment Agency, made comments in the first of November 23 raising no objections to the scheme. The scheme has been through the consultation period, and we've been waiting for determination of the application by the District Council for a good number of months now. And it came to being that a couple of weeks ago, actually, the 12th of November, the environment agency submitted a holding objection to the solar scheme, essentially on the grounds of they had some concerns over the interaction of the proposed solar farm with the proposed flood compensation areas that was proposed for the bypass. The main reasons for that is the lack of clarity that they. Can see in terms of how that would work, as I understand it, there's been limited detail on how flood waters will get from one side of the 617, to the other side of the 617, into effectively the solar solar proposal land, and also how the flood compensation areas would operate, how they'd be constructed and operated. So there was a lot of unknowns to the minds of the Environment Agency on how the solar farm would would sit with the flood compensation areas and ourselves. Indeed, we, we have very little information from from the applicant on how they would operate, notwithstanding that we did have a letter of comfort between the between the applicant, our applicant for the solar farm, and also the the bypass works. But that, again, that was relatively high level the since then, in a ways of trying to overcome the recent EA objection, we have since formally removed an element of solar deployment from the proposed flood compensation area, obviously to the detriment of the scheme, to the solar scheme, shall I say, around about a 1.3 hectares. I think it was that has been very recent, as we sort of see that as the only way, as we sit here now, to overcome the environment agencies holding objection. We have tried to reach out to national highways to to understand more about what their flood compensation areas involve the detail of that, but we that's drawn zero dialog at this stage. So really, we have pulled some deployment out of the flood compensation area, as I say, to the detriment of of Peridot solar and really the the only sort of interaction now from a from a planning perspective, is we have An access directly from the 617 I think you can probably see it on, on the land plans. It's, it's in the vicinity of inset 7d on, on the planets in front of you there. What it is, there's an existing field gate that comes off the 617 and as part of the solar scheme, we were looking to implement an upgraded access from the 617, to provide internal vehicle access to the solar farm. But there was also agreement that the national highways would also use the same access as well to to provide access to the flood compensation areas. Absolutely fine. No issue with that. And so the concern there is, again, with the Environment Agency having a lack of understanding of how the ditch that would run parallel to the 617 will be implemented, and certainly how the the access. Proposed access off the 617, into the solar deployment would will be implemented. I think at the moment, I think it's just reference to a culvert that would sit underneath the access, or whether it's a bridge. But again, these are the concerns that the EA are raising. So for really, from from a solar development perspective, it's just a lack of clarity on how these flood compensation areas would work, and it's it has delayed the determination of of our solar farm application has provided some unknowns, and it certainly has had quite a significant impact on the deployment as we try to overcome some of the objections that the Environment Agency has raised. And I think that's it. We just want to have that, that clarity from national highways as to as to how they see this would would work. And, you know, in essence, give the Environment Agency the comfort that the infrastructure that's being

proposed as part of the flood compensation areas is is going to operate and not impede the flood flows. That's been identified for those those plots of land adjacent to the 617,

nothing else to add.

Okay, thank you very much. The output. Applicant for any comment

mark, certain on behalf of the applicant, we. So we noted that the Environment Agency put in a very recent letter onto the Newark and show with district council planning portal. So we are and also raised a written representation at deadline free with regard to this issue. So the applicant is reviewing that and will be responding to the EAS EAS written representation for the next deadline. The applicant has worked with the EA during the preliminary design, such a consultation, and also through this period of examination as well and the details of the flood compensation areas are included within application document, a double PP, one, double seven, and the flood risk assessment and also supported by recent applications of a technical note that was has been issued as well. I will just the one point in regard to how the water gets from the flood compensation area at Kellerman Arum to the underneath the A, 617, if I can draw people's attention to document, R, E, p3, double, o2, which are The Works plans and works. Number 124, and that is a culvert that runs underneath the A, 617, and provides connectivity for the water flow between the existing ditch systems and the proposed flood compensation area.

I was just conferring with colleague, Derek. We have matters relating to flooding in an ish tomorrow, I believe so. At that stage, we'll probably be delving into these areas a little bit more in terms of the actual impact of flooding. I think here we're interested in the impact, the impact in terms of CA and TP. So unless there are any specific other matters in terms of ca or TP that I don't want to raise with us.

No, no, I'm seeing some heads being shaken. Rather nothing at this stage. Thank you so nothing at that stage, right? Okay, I think we've heard your representations, ensure that those are followed up with your written summary of your oral submissions as well. Obviously, as I've said, we will be discussing the wider areas of flooding in terms of the issue specific hearing tomorrow. So if you wish to attend that as well, feel free to do so. Applicant, do you have any final comments on

Jonathan bath the applicant, no, sir, but perhaps, if I just ought to raise that, Mr. Hatton has been sat here, and he is the landowner involved with the solar proposed development, and so maybe it might be beneficial to hear from him next, if that's possible the two issues.

Thank you very much. That's That's very helpful. Mr. Hatton, maybe you would Yes,

Adrian had an effective party. It might actually be more useful to hear from Chris Cook, if he's got anything else to add to this. He's the director of Peridot.

Chris Cook, Peridot sola, so I have nothing really to add to what James has just put to you, no relation other than we really need communications from the applicant to engage with us on this so that we can address the EAS concerns. It's more a case of providing information. We've requested meetings, but As James said, we've had no response. I think it's as simple as that. We simply need engagement with the applicant so that we can address the A's concerns. This has to having a material impact, as James mentioned, on on the deployment and therefore the generation of the proposed solar farm. A determination was due by the LPA in January of 24 and it has delayed and delayed and the EAS very recent observation, although the statutory consultee, they made no objections. They're very recent. Holding objection is having a material impact on on this development. That's it for me. Thank you very much. Thank you.

Okay,

sorry about that. Sorry. I noticed the hand up and apologies. I did say that we would come to you, but we will come to you after Mr. Hatton, so we'll just put your hand down again. And Mr. Hatton, if you continue, then I shall return to that individual. Thank you, Mr. Hatton. Adrian

Hatton, affected party of a number of concerns, they as the interaction between the flood compensation area and the solar I think, has been well covered, so we'll probably park that and and go from there. Couple of issues. One is that the applicant asserts that I put forward land for use for the flood compensation area. That is, in fact, partly true. I engaged in negotiation with the applicant to see if we could find a way to use land available of mine that was not required for the solar the that land was deemed not to be a sufficient area and part of plot 7.4 E was the area that was reused by solar, and that's caused me considerable hardship and delays over the years. So just, just to leave that one there, the problems have been continuing, lack of information furnished by the applicant to enable things to progress. That's that's bit that has been covered. I have a concern that the plot seven for E was was put down as a single plot, whereas, in actual fact, it's two separate fields, and it might have been easier to treat these fields separately. They're easily defined on the RPA maps. They're easily defined by physical hedge between them, so I'm surprised to see those down as a single plot probably doesn't have any material effect, but it just made it more confusing for negotiations. And my land colored pink, is on on Plan seven. I own all of the land, with the exception of plot 7.6, a on Plan seven and the proposed compensation area. Sorry, tell them, is well recognized. It's against the EA normal principles of being directly adjacent to a water course. And as a result of that, there are discussions about COVID under the road, which have just been discussed, and reliance on existing drainage network to connect from the proposed FCA to the river Trent. I do have concerns because I haven't seen work plans to

enhance that drainage system on my land east of the A 617, to cope with the additional volume of water flowing to and from the flood compensation area. And I'd welcome clarity on works that are going to be required to improve that drainage to the required standard. Further to that the construction of the culverts beneath the A 617 negotiations have been ongoing, and a proposal is to install the new access on the east side of the A 617 to enable construction of those culverts and ongoing maintenance of the culverts and the drainage system down towards the river Trent, east of the 617, those plan those new access, and indeed existing access on the field of my field to the west of the A, 617, into plot 7.4, dot e do not show on any application plans. And it's very important that those accesses, access routes are maintained and provided with adequate bridges or whatever is required to cross over any hydraulic connection that is constructed. I have an a concern about plot 7.2, I which is shown in blue with permanent rights to be acquired, that plot forms the entrance to my house, and the discussions are ongoing that that access may be used for a seven day period to enable mobilization of equipment to construct the new access to services culverts that are referred to a few minutes ago. I do not believe that there is any need to acquire permanent rights over that land. I. Course, when the new can new access is constructed, then they will have no need to use my house access. The next point is, the objections to the need for grant of compulsory access are that we have been for in excess of two years, engaged in negotiation and working towards heads of terms and an option agreement or use of this land by means of a license or otherwise. And the progress on that has been very, very slow, and I'm very aware that there are changing requirements from the applicant throughout the development process of this scheme to DCO, but I really would welcome a increase or a Look at the speed by which these negotiations are taking place, and I think it's very important that we're given the chance to have these negotiations in place, given that we are actively engaging, and we'd like to see more engagement from the other side, so that we can have these done well in advance of determination of the DCO.

Thank

you very much.

Thank you very much. Turn to the applicant and for comment.

Simon beard valuation office, agency on behalf of the applicant, I can pick up on the the engagement, heads of terms, etc. There have been a number of meetings. I could provide the list of meetings that have been held with Mr. Hutton's agent to try and progress these. We have got substantive heads of terms. It's a bit more of a complex picture with the planning for the for the solar there, but we've, we've exchanged heads of terms, they've been updated. It is an evolving process in terms of, I suppose, Mr. Haddon requirements for non acquisition and a license so he can retain the land. Have been some changes recently, which we're looking at internally, trying to produce new plans and to make amendments, the accesses were mentioned by Mr. Hutton, they need to be clearly marked on the plans as well, so that we are progressing. I think we are a good proportion of the way there. It has been subject to requiring other information from from the applicant around various aspects, but I'm confident we can reach agreement. By the end of examination, we'll continue to have discussions and ahead to



terms were, in fact, returned this week, will be updated and sent back, but soon as you were in a position that you're content and it satisfies the requirements of both parties, we're happy to agree.

Mark Sutton on behalf of the applicant in matters relating to the flood compensation area and its operation and the existing ditches and infrastructure. If I could ask that be taken up in the issue specific hearing. If that's okay, we'll have our flood and drainage specialists on call for that. I would just a couple of points that Mr. Hatton kindly put up. Plot seven, dash seven, dash 4e, on the lands plans, it is shown as a single plot under title on the record. So if that is okay, if we could leave that as a single plot, if that's suitable for Mr. Hatton, and regard to the access areas that was mentioned in seven, stroke two, I know previously in the applicant's response document, reference R, E, p1, double 09, the applicant responded so that we would actually work with Mr. Hatton to look at the accesses. There was a number of questions that Mr. Hatton has raised on temporary and permanent access, and if it's suitable for Mr. Hatton, I'd personally like to sit through with the plans review just to make sure that both parties are completely understood, because I believe I may have got confused reading a previous request from yourself and your land agent. So I'd love to like to have the opportunity to sit with you personally to do that you

Mr. Hatton and Peridot solar, we are going to be covering matters of the water environment, including the operation, the maintenance, etc, of flood compensation areas and. At Issue Pacific hearing three. So I don't I note neither Peridot or Mr. Hassan are pre registered to attend. But of course, you very welcome to attend issue Pacific hearing three and to perhaps deep dive into the discussion of the flood compensation areas. So if you are available tomorrow morning, that would be ideal. If not, there's obviously the recording more afternoon. Sorry, apologies getting my hearings all mixed up tomorrow afternoon. Because yes, if you You're very welcome to attend that you may find that that useful, and we can discuss matters of the culverts, etc, for the Callum and Abraham flood compensation area then, okay.

Thank you very much. Mr. Hatton, did you have anything else you wanted to raise with us? I

think that covers everything for now. Thank you. Thank

you. Applicant. Do you have any final comments you wish to make?

Jonathan Bauer for the applicant, no other than to thank Mr. Hatton for what he set out. And we'll pick up the points and on the flood in the hearing tomorrow. Okay?

Thank you, and just sort of a make sure that things are moving along at a reasonable pace. We are time constrained, and we'd like to get things done by the end of the examination, or hopefully before. So thank you very much. Okay, I think that's concluded. Mr. Hassan, what? Okay, if I can then turn to ms Beresford for lindam I think thank you. I know you've been very patient, and I think thank you for your patience. We've got to you eventually. Thank you very

much. Amanda Beresford for lindam developments limited. Could we have sheet five up please? That would be helpful, because I can talk to that. That's it, lovely. So, so my clients own the the land, which is shown yellow on this plan that I'm trying to describe the shape of it, but it's between the a 46 and the other road. And the plot numbers of concern are 515 a, 515 b5, 15 C, and 516 A. Now 15 C is a narrow strip of land that runs along the boundary of my clients land along the edge of the a 46 the other plots relate to the creation of a new cycleway and footpath that cuts across my clients land. So you can see those plots if you look at the strip of land, sorry, I haven't got a cursor that works, but it it runs. It dissects the yellow land in two in a southerly direction, and then skirts the eastern edge of the yellow land is that? Is that clear where, where we're looking at? Yeah. Okay, so the my clients land is allocated for employment purposes in the relevant development plan. It's, it's allocated under reference, n, u, a, slash, mu, slash one. And it There is currently an application before the local planning authority by my client for planning permission to develop the site for employment purposes. It's an outline permission, and it doesn't show any root of the proposed new cycle way and footpath. It's undetermined at the moment. It's going through the process. The issue My client has is that the proposed route of the new footpath and cycle way dissects the site in two and as such, it jeopardizes the efficient delivery of the site. For employment purposes, and it it's not possible because of the way you would need to configure buildings and services on the site to maximize the employment opportunities that this site could otherwise provide the district. So the issue has been under discussion with the applicant for many months now, and an in principle solution has been discussed, which is instead of the route of the proposed new cycleway and footpath shown in the application an alternative route which would follow the a 46 to the west. Instead of cutting into my client's site, it would go straight along the a 46 and then skirt the western edge of my client's land and join the the other road at that point towards the south. So it would go west, and then, sorry, it would go yes, West and then south. We have been asking for a plan to show the alternative route, and on Friday, we received a plan which shows the that that route that I've just described as an alternative route, in principle that looks acceptable, we're looking at the detail of it, but in principle that seems to be as discussed and looks acceptable, we are hoping, like the other people who've spoken today, to achieve an agreement which will show this alternative route as being the route of the new cycleway and footpath, rather than the route that is shown in the application. But we haven't yet received a draft of the agreement, and we are unclear as to the mechanism that will be specified in that agreement as to how the alternative footpath will be footpath and cycle way will be achieved. I think that in most part it is, or could be with the alternative route could be within the land take from my client along the a 46 so I think that's 515 C, that plot, which my client would be willing to to extend that plot so it's a little bit wider, and to to sell that by agreement, to allow for the new cycleway and footpaths to go along the a 46 along plot a 15 C, and then, as it would then head south to skirt the western edge of the my client's land, it would, it would still be all within my clients ownership, so there would be no other party involved, and it may Well be outside of the current red line of the application, and there may therefore be a need to make a modification to the order to allow that, unless an

alternative way of achieving it can be agreed. So that's the present position that we wanted to bring to your attention. I have been told that we can expect a draft agreement covering this issue shortly, so hopefully the matter can be resolved and we can withdraw our objection, and the resolution will be the alternative route of the footpath and cycle way that I've just described. Think so that's all I need to bring to your attention. Thank you.

Thank you very much. That was very helpful and very clear. I turn to the applicant,

Mark Sutton for the applicant, if I may, start with a bit of background, and then I'll hand over to my colleagues just to provide an update on the progression of the agreement. We've addressed the interface with lindam in several documents. As r, e p1 double 09, response to the relevant representation. And then in our E p2 037, where we responded to the examining authority's first round to written questions. And there was, I think that was question 13, 022, and just to give a really a bit of an overview of how we've got to the solution that we see on the screen today, original consultation with lindam took place in 2022 prior to the statutory consultation, where at that time, the proposed plans, outline plans for the development are different to what we see on the outline planning application today. So when the with the development of the outline planning application, we have found ourselves in a situation where the the proposal that we on the DCO does not now match the development of the lindams design applicant completely understands that designs develop and change. Therefore we've continued to work, and have continued to work with lindam to resolve this issue, and come and seek, to seek mutual agreement on how we can still provide the three meter wide combined foot way, cycle way that's required, but within the boundary of that, within the constraints of their existing outline planning application. To that end, we've developed up a legal agreement where we can look at the land that needs to be obtained and how that can sit within their current outline planning application, and if that's going to hand over to my colleagues to provide an update on that legal agreement.

Jonathan Bauer for the applicant, just to follow up on what Mr. Sutton said in terms of the structure of the agreement, which is just going through an internal review, but it will provide for some slightly different options, really, on the basis of it, it depends upon what applicate, what scheme comes forward first, whether it's lindam scheme or the the applicant's scheme. And so there's a few sort of permutations proposed in in the agreement of it must be Beresford hasn't seen the draft yet, but it will be out very shortly, but it does provide for alternatives, depending upon what scheme is in a position to come forward first as to which footpath route is to be adopted, But that's subject to further discussion with lindam,

can I just ask you to pick up on the point that was alluded to with the potential that one of the alternatives, or the alternative may result in land being required either that is not within the application site or land that may not necessarily be identified as for ca or TP at the minute, which would then potentially mean that you have To change that, and whether or not that would result in us going down certain routes which we all want to avoid.

Jonathan Bauer, for the applicant, we understand the point fully, sir, it is not proposed to make any amendment to the application if any alternative were agreed with lindam, it would form part of from the applicant's perspective, it would form part of lindam's proposed scheme, rather than relating to the applicant scheme as presented in The application. And so just to give you assurance that there are no proposals to make any changes to the application here in relation to this footpath,

just to clarify on that point, do you mean that the applications would slot together like a jigsaw? For one, for better expression,

Jonathan Baer for the applicant, yes, the drafting that has been proposed as part of the agreement is very much like a jigsaw to try and work out what comes forward at the right time and Which piece slots in where at the appropriate time. I you.

Thank you. Just a couple more points on the Linden situation, if I may. I was going to pick these up tomorrow, but in the in the transport hearing, but it's probably opportune to do it now. When is. The Linden planning application due to be determined, probably a point for Miss bereford as the local planning authority. Given you any indication?

I'm afraid I don't have that information. I don't believe it's imminent, but I have no information as to when it's proposed to be heard. My clients on the line. I don't know if my client has any further information on that, that they can add Well,

the applicant indicated to us, in response to the LIRs, that it was due to be determined in december 2024

sorry. Dean Bower, I Amanda today. So yeah, our application, there are the two applications in but the one doesn't sort of concern national highways plans that one's going into December's Committee, which probably might be the confusion, but the application that we're we're talking about with the land that's shaded in yellow here. That's due to be probably early, obviously, just quarter 120, 25 but we haven't had a set date from the local authority at this time.

Okay, thank you. And what if by the end of the examination, we haven't got an agreement before us.

Well, from our point of view, we would object to the to the routing as it has public dis benefits in not allowing the employment opportunities on the site to be maximized. It's an allocated site where the local planning authority want to see maximum employment opportunities created

national highways.

Jonathan Bauer, for the applicant, first foremost, it's the hope of the applicant that agreement could be reached with lindam, but the application that has been put forward by the applicant, in term, particularly in terms of route, is one that stand behind and don't look to make any proposed changes. But as as I say, it's the desire of the applicant to reach agreement with lindam, as it is with the other affected persons that we've heard from. So to

be clear, the routes that you are pursuing now would be to the satisfaction of the applicant. Sorry to Lyndon.

Jonathan Bower, for the applicant, I think that's perhaps for Lyndon to respond to that the route that is in the application is, what is the one that the applicant stands behind? If agreement can be reached in relation to an alternative footpath across lindens existing site, then that's something that hopefully the parties can reach agreement upon.

So that's the point, really, if, if you don't reach agreement, and we have an alternative that a landowner wants to be brought forward, how do we deal with that in the DCO,

Jonathan, for the applicant, um, an alternative that has been, if Not, if there is an alternative which is sits outside of the DCO from a land perspective, then that would be dependent upon reaching agreement with, with with Linden,

and how would we deal with the suggestion of that? Is not sure whether you've said it's mitigation or in an enhancement in terms of pedestrian routes, to provide that continuous pedestrian route, if that sits outside of the DTO, how can we deal with that? That's something that you need to take away and think about.

Jonathan Barth, applicant, yes, sir, I think in the context of considering that, that option that as you have used, as you've just asked so, yeah, it's something we'll take away and respond to, well, either in writing, but also as part of the transport

we take it as an action point, but you know, you're more than welcome to discuss it at the transport issue specific hearing. And I suppose the follow on point from that is, how would that be illustrated on the certified drawings?

Jonathan Bower for the applicant, again, we will tie the two points

together, yes, just going back to Lyndon now I believe that your current application on the land that would be affected by national highways comprises a series of options. Is that correct?

That is great. It's outlined in nature our application. So yes. So it would allow for a series that the route as. Drawn, though, just as Amanda sort of set out, unfortunately, sort of dissects directly down the middle. So although they are options, they will all be limited by the route that's that's drawn at the moment. So hence where we are sort of working with national highway to try and find that preferred solution and the mechanism for the relocation of it around the boundary of the site, because I think, would be for the betterment of our development and that and the allocation, and that's certainly our preference from this in

terms of the alternative that was described earlier, would that be satisfactory for all of those options in your planning application?

Yeah, it's Yeah, versus this option that's here, then, then, then it's something that we would be willing to accept. So, yeah, the alternative along the along the boundaries of the site is much less impactful than where it's currently drawn.

And what if, in future, you were granted planning permission, and say, you wanted to change the layout and you decided that the route that you agreed with national highways wasn't the route you wanted. After all,

I think that's highly unlikely, given that the route that we suggest is skirting the boundary of the site. The difficulty is where it impacts the interior of the site by dissecting it or in any other way. So

the comment that you made about the delivery of employment land that wouldn't be an issue in any event.

Now we could work around that. As Amanda said, it's a lot of it's along the boundary. It doesn't impact the employment land through any of the severity that this plan shows. Thank

you and sorry.

Can I just be clear that I wasn't quite clear what, what the question was there, but when you say, in any event, the alternative route wouldn't but clearly the route proposed in the application has a serious impact on No, we were just

talking about the alternative. And one final point, I think this might be a point for you, Lyndon and the applicant to take away and come back on is, if an agreement isn't reached, would we end up in a situation where, and we obviously can't pre judge the decision on lindam's application, but if that is granted planning permission, We could end up with two incompatible planning applications. Do?

And so we'll take that as a yeah, sorry,

we'll take that away to discuss. But it looks as though that could be the case. Yeah,

okay, because, of course, that gives rise to hillside type of issues, doesn't it in terms of implementation. So I think that's something I wouldn't want to put people on the spot about right now, but if you could take it away and come back to us just so we are clear that we don't inadvertently give rise to such a situation.

Thank you. Excellent.

Okay, no

problem. You

okay. Thank you very much. Can I just confirm, Linda, whether or not you have any other matters to raise with us? No.

So we've we've fully explained our position we had intended to appear this afternoon and tomorrow, because there are small parts of the agenda which cover this topic, but it may be that everything that can be said has already been said, and it may not be necessary to attend, unless you feel that we can add anything. And I'm thinking in particular this afternoon we have six bear with me. Item 6d is the issue around the how the alternative route for the cycle way and footpath is to be secured. And I think we've, we've had a discussion on that. And then, yes, yeah, and then tomorrow, I think it's item 3b in the morning session is about the impact on the allocated site, which is, sorry, I remember the reference, but it's, it's the Nua slash mu slash one. And again, I think we have explained our position on that fully to you

today. I don't think there's any other matters that we would wish to examine or explore in respect of that, because I think we've covered the issues that we wanted to cover. So in terms of the future works that are going to be undertaken and further commentary that will be provided. That will cover those issues, so I don't think that we need you to attend.

Thank you.

Thank you very much.

Okay, I think that concludes all of those who had indicated a wish to appear before us. Is there anybody else who would wish to speak as an affected party person? Nobody in the room. Look online. I see no hands. Thank you very much.

That place. Yeah, just want to raise. Is there any other matters that anybody would wish to raise with us today? No other matters. So before I conclude, I'll just turn to action points. Mr. Burley, you were taking a note of the action points.

Thank you. So if I've taken them down incorrectly, now is your opportunity to tell me number one. This is directed to New York and Sherwood District Council, aside from seeking to reach agreement with the applicant on ca and TP, how would the XA deal with any reduction in capacity of the lorry Park and associated impact EG, as noted at paragraph 5.3, of nsdcs relevant representation if reconfiguration studies are not undertaken until after the examination has closed. Number two, this is for Mr. Miller confirm in writing whether, if agreement is reached with the applicant, concerns regarding the viability of his business, which were expressed at the preliminary meeting have fallen away. Number three, for the applicant, provide a response to the issue raised by Mr. Sumption in relation to the mitigation of noise in a child's bedroom the Langford Hall estate number four, again, this is to the applicant update the works plans to show the pedestrian route extending to the proposed Bell mouth to the Langford Hall estate number five, For the applicant, regarding the charity of Thomas brewers land, confirm in writing the



nature of the utility corridor on the blue land number six. This is for the applicant in Lindam. Consider whether the absence of an agreement between the parties could result in incompatible planning permissions. By planning permission. We're also referring to a planning permission that would be granted by the development consent order there. And number seven, the last action point is for the applicant, which is, if an alternative route is to be pursued, which includes land outside of the order, land, how would this be secured? And how would it be presented on any relevant drawings. Thank you. Did you have any comments on the action points? Jonathan Baff,

the applicant, I'll just make check that list against the list I had. So won't be a moment.

Thank you. Applause. James Thompson,

Langford Hall and Mr. Stone, I don't know if it's appropriate to raise it now, but was there an action on the applicant to update the land plans for the permanent land take at Langford Hall, given that they've agreed that the land that they want to acquire they no longer need.

Jonathan bow for the applicant on that point, Mr. Thompson, that would be something as part of discussions in terms of agreement between the parties. There's no proposal to change the land plans as part of the application.

Is there anything else you'd like to come back on? Mr. Sumption, James Thompson, there, that's fine. Thank you. Thank you.

Jonathan bow, for the applicant, the only other point I had was a point in relation to the forthcoming ish, in relation to access and fishing rights, in relation to Mr. Miller's land that would be picked up.

Thank you. I think yes, we said we'd pick that up in an ish, rather than setting it just it

was just a point to flag that make sure that we didn't forget.

And also. Not, not sort of a specific action as far as the EXA is concerned, but Mr. Sutton is going to pick up with Mr. Patton in relation to plans, and sit down thank you with him.

That's part of your private negotiation. Yeah,

yeah, thank you.

And that was also thank you.

Thank you. No, I think that covers the action points there, we will publish a list of action points on the website sometime, either this week or as soon as possible. It depends whether or not we bundle them all together or do them as separate action points for each of the hearings they will be published on the website. Do okay. That brings us to the end. Can I just remind everybody that any written summary of oral cases put at the hearings and any documents that have been requested should be submitted by the next examination deadline for which is Friday the 13th, December, 2024 Well, I says, Thank you all very much for attending and for your participation. We have a further hearing this afternoon, the ish on the draft development consent order that starts at two o'clock. But for now, the compulsory acquisition hearing number two is now closed, and thank you all very much. Applause.