

AUDIO_CAH1_SESSION1_26092023

Wed, Sep 27, 2023 9:56AM • 1:39:19

00:06

Good afternoon. The time is now two o'clock on Tuesday the 22nd of September 2023. And this is first compulsory acquisition here in relation to the application made by London Luton Airport limited to the proposed London Luton Airport Expansion is now open. Before I proceed any further, can I just check that everybody can see and hear me? If not, can you please raise a hand in Microsoft Teams? Thank you. I don't see any hands. And I've also just, it's been confirmed that the recording of the live stream is also working. And my name is Andrew Robinson. I'm a planning inspector and the charter town planner, I have been appointed by the Secretary of State to be a member of a panel of inspectors to examine this application. In this introduction, I will be going through the management of today's event and introductions and one of my colleagues will be taking notes of any actions. I would now like to ask my colleagues to introduce themselves.

01:10

My name is Beth Davis. I'm a planning inspector and a chartered geologist. Hello, my name is Joe Denning. I'm a chartered town planner and the planning inspector. And I've been appointed by the Secretary of State to be the lead member of the panel and I will be leading to discussions at today's events.

01:28

My name is Dr. Richard Hunt, the planning inspector and a chartered environmentalist.

01:34

Good afternoon. My name is Sarah Holmes. I'm the planning inspector and the chartered civil engineer. I can confirm that all members of the examining authority have made a formal declaration of interest and that there are no known conflicts of interest with regard to as examining the application. Together we form the examining authority. There are other colleagues from the planning Inspectorate with us today, you will have all spoken to reveal Bernie how a case officer in the adjoining conference. I would also like to introduce Sean Evans, the case manager for this project. And they are also being supported by one of our other case officer Jennifer Savage. In addition, there are technicians from production 78, who are attending solely for the purpose of managing the recording and live streaming of the hearing. If you have any questions regarding the application process in general, could I ask that you please email the case team who will be happy to help? I'd first like to deal with a few housekeeping matters which are specific to a virtual event, as some of you here today may not have attended any such events previously. First, can I ask that all audible notifications for electronic devices be switched off and remember to make sure your microphones are switched to mute? Unless you are speaking, this helps to reduce background noise. No requests have been made for any special measures or arrangements to enable participation in this hearing. But I would just like to confirm that this is correct. I don't see any hands. So please note that the chat function in teams is not being used today. So please do not send any messages via chat as it is not being monitored. If at any point in the meeting you can't hear us or

wish to speak Can I ask that you turn your camera on if it is turned off and use the raised hand function in teams, there may sometimes be a delay before we can acknowledge this. Miss Evans will have explained what to do if you lose connection. And we are able to adjourn for a short period of time or any more significant connections problems. Or Miss Mr. Burney, for those that have spoken to him in the welcome. We will adjourn for a short break at a convenient point. usually no more than every hour and a half or so. If for medical or other reasons. Anyone requires a break at a specific time. Could you please let the case team know and we can hopefully adjust the program to meet your needs. For the purpose of identification and for the benefit of those who may listen to the digital recording later. Can I ask that at every point in which you do speak? Please can you give your name and if you're representing an organization or individual who it is that you represent? Do we have any members of the press in attendance for this hearing? Okay, thank you. I don't see any hands and does anybody have any questions or concerns about the technology or the general management of today's event? Thank you I don't see any hands so I'll move on. There is a digital recording be made of this hearing. This will be made available on the project page of the national infrastructure website. Herein referred to as the website. If you take part in the hearing it is important Some of you understand that your comments will be recorded and that the digital recording will be published and retained, usually for a period of five years from the Secretary of State's decision. As such, the planning inspectorate is subject to the general data protection regulations, it is very unlikely that the examining authority will ask you to put sensitive personal information such as email addresses, and economic, financial, cultural or health related matters into the public domain. Indeed, we would actively encourage you not to do that. However, if for some reason you feel that it is necessary for you to refer to sensitive personal information, we would encourage you to speak to our case team in the first instance, we would then explore with you whether the information could be provided in a written format, which could then be appropriately redacted before being published. Please bear in mind that the only official record of the proceedings is the digital recording that will be placed on the project page of the national infrastructure website, tweets, blogs, and similar communications arising out of this meeting will not be accepted as evidence in the examination of this application. Today's compulsory acquisition here and it's been held at the request of the examining authority who wish to explore a number of matters orally in respect of compulsory acquisition and temporary possession. I would also like to remind you that the examination is a predominantly written process. In addition to today's hearing, you will have seen from the examination table, there are opportunities for the examining authority to ask questions, and to hold further meetings if needed. The purpose of this examination is also for the examining authority to examine the information submitted by both the applicant and also by the affected persons. As a result, I would like to reassure you that we are familiar with the documents that you have sent in. So when answering a question, you do not need to repeat it then something that has already been submitted. If you want to refer to information already submitted, we would be very grateful if you could please use the appropriate pens examination Library Reference. Furthermore, could I please ask that the first time you use an abbreviation or an acronym that you get the full title as there will be people here today or listening to the digital recording that may not be as familiar with the application or the documents as you are? Whilst we accept that the majority of the discussions will be undertaken by those parties that have requested to speak. This is a public examination and therefore, if there is a point that you want to make, please feel free to raise your hand and switch on your camera at the relevant time that you wish to contribute. The hearing today will be a structured discussion which Miss darling and Miss Davis will lead based on the agenda that has already been published. The purpose of this discussion is for us to

ask questions and to seek clarification on matters related to compulsory acquisition and temporary possession. I would therefore like to take this opportunity to reassure you that whilst we may not be asking a specific question that you are expecting, it is not necessarily that we view that this matter as unsettled is satisfactory. It merely indicates that we consider that we have all the information that we need on this or that we are proposing to examine it at a later hearing. Finally, I would like to remind everyone that this is not an inquiry and therefore unless the examining authority has specifically requested or agreed to it, there will be no formal presentation of cases or cross examination. As such any questions that you may have other parties need to be asked through the examining authority. Rule 14 Two of the examination procedure rules requires that at the start of the hearing, the examining authority shall identify matters to be considered at the hearing. These are set out in the agenda for this hearing, which is examination Library Reference e v five dash 001 which is available on the planning Inspectorate website. And for the sake of expediency, I do not propose to read out all the separate agenda items now. Please note that today's agenda is for guidance only. We may choose to move items around the agenda or add other issues for consideration as we progress. We will seek to allocate sufficient time to each issue to allow for proper consideration. If we need to take any short breaks then you can stay logged on into teams throughout the break, but please ensure you switch your cameras off mute your microphones. If you do lose your connection. Use the same link that you use to log on this afternoon and the case team will endeavor to reconnect you as soon as possible. Finally, it is important that we get the right answers to the questions that Miss Dowling and Miss Davis are going to ask. I reiterate that this is a predominantly written process. Therefore, if you cannot answer the questions that have been asked or require time to get the information requested, then rather than giving a restricted or potentially incorrect answer, can you please indicate that you need to respond in writing. We can therefore defer the response either to an action point to be submitted the deadline three, which is the fifth of October 2023, or to the written questions or a later hearing. So, before we move on, are there any questions at this stage about the procedural side of today's hearing or the agenda? I don't see any hands raised so I'm now going to move on to the introductions of the participants at this meeting. The case team have provided me with a list of those interests and other parties who have expressed a wish to be heard today. Those persons or people representing the following organizations, the applicant, Luton Borough Council, the other host local authorities, night Frank Luntz, Nick limited. Tim O'Neil, the Hopkinton society, the eldritch family, Goodwill's A T. O. Law homes, DLA Piper, and national highways before I asked people to introduce themselves, can I check that I haven't inadvertently missed anyone off this list of participants.

11:38

Thank you. I don't see any hands raised on the screen. I have been advised that there are some participants that have not shown at this moment in time being Anthony Eldridge, Nick Platts, Greg Fong Morris, Sue frost, Sunil shadow shadow Dave and Tim Broomhead and John southward. And night I've just also been advised that night Frank is is also not coming and nor none lands, Nick limited. So I'm now going to move to the people to introduce themselves starting with the applicant, please.

12:21

Good afternoon, sir. My name can I just check. First of all, you can hear and see me.

12:27

We can hear you. Thanks. Good. My name

12:31

is Miss Rebecca Clutton of counsel on counsel for the applicant. I'm joined today by Mr. Tom Henderson is a partner and solicitor at BDB Pitmans legal advisors to the applicant. Also, to my immediate right, Mr. Mr. Mustafa Latif AirMesh, also a solicitor and partner at BDB Pitmans. And during assisting us with the discussions today also will be Mr. Steven Walker, who's a chartered surveyor, and he is the property and compensation lead for the applicant. He sat. Second to my writing. This is just slightly off screen at the moment that there may be one or two others who I call on during the course of the hearing, but I'll introduce those at the appropriate time if they're needed.

13:27

Thanks very much for that. Moving on to Luton Borough Council please.

13:36

Sir, good afternoon, Michael Frey Luton Borough Council, I'm sat with some of our officers. I don't intend to introduce them. Now, that means for your approval if I need to call on them, I will introduce them at the relevant time. So the only thing to flag up at this stage is that on in respect of this hearing, Luton is acting for itself as opposed to with the host authorities. So rather than deferring to Mr. Owen's offense masons, I will respond on behalf Luton.

14:05

Thank you very much for clarifying that. Turning to the host authorities, I understand. Yes, Mr. Wilson, would you just like to introduce yourself, please?

14:18

Yeah. Hi there. Thank you, sir. George Wilson. So Mr. Pinsent, Masons speak on behalf of the three Hertfordshire authorities namely the Corps and Borough Council Hertfordshire. County council and those Hertfordshire District Council. You'll note as Mr. Price said that's on a slightly different base to which Mr. Owen was speaking this morning. I should also just flag that I'm not strictly speaking on behalf of central beds this afternoon, but ultimately, I'm sure a number of points I raise or Mr. Pro Res would be relevant to them. I'm sure anything that they need to can be flagged in subsequent written submissions. Thank you.

14:58

Thank you for And thank you for that. I've been advised that Tim Broomhead and John Southwood are not attending. So can I turn to Tim O'Neill, please?

15:18

Good afternoon I'm interested in local resident Timonium.

15:24

Thank you very much Mr. O'Neill. Could I now move to the Hopkinton society please? Jeff Phillips Chair of the Harper society. Thank you very much Mr. Phillips. Can I turn next to the Eldridge family please?

15:57

Hello, my name is Simon Harvey from Brown and CO acting for the Eldridge family who are property owners dwelling that's affected by temporary rights on the scheme. Thank you.

16:10

Thank you very much, Mr. Harvey. And Channing now is there anybody from Bidwell at Oh, present?

16:24

Hello, Bromley partner at bid wells, representing ATL Holdings Limited, who's having land acquired rights acquired as part of the scheme?

16:37

Thank you very much. Turning now to Blore law homes. I believe that is?

16:45

Yes, Mrs. Victoria Fowler. I'm a partner and solicitor at Gowling who G legal advisor of law homes. I am joined by Mr. David Joseph, senior planning director, but I don't expect to D to call Mr. Joseph and blow homes have rights being acquired overland, in which they have an option. Thank you.

17:08

Thank you very much there and for national highways please.

17:17

Good afternoon, Jeremy Blum, consultant and former director of national highways representing national highways on this project. And I'm joined by colleagues from DLA Piper who will introduce themselves

17:35

Good afternoon, sir. My name is Howard bassford. I am a partner and solicitor at law firm DLA Piper, UK LLP. And I appear on behalf of National Highways supported by my colleague Mr. courser Mr. courser guess me sir Ross corsets the strip, DLA Piper item on behalf of National Highways as well.

17:58

And thank you very much. That's that's everybody on my list. Can I just check before I move on that everybody has introduced themselves for the organizations that that you represent or the individuals that you represent? Okay, that that completes the introductions. So thank you for that. And I am now going to pass over to Mr. Ling, to lead on the rest of the main items of the agenda.

18:29

Thank you very much. And before I begin on the agenda, I just want to advise people that the applicant notified us yesterday that they proposed to submit change requests as a result of ongoing discussions with the statutory undertakers, the Environment Agency and Thames Water regarding the proposed drainage strategy. The notification has been published on our website is available, a cover letter is

examined IBW referenced a S dash 151 and the company training strategy is a S dash 152. In relation to this hearing, if I could just very briefly ask the applicant to outline what the implications of the proposed change are for compulsory acquisition, whether the change would invoke the compulsory acquisition, compulsory acquisition regulations and the timeframe for submitting the change and what it would actually change. Sorry, and what it actually changed and why it has been proposed will be the subject of further discussion at issue specific hearing six on Friday. So if I can go to the applicant for responsiveness, please.

19:38

Yes, Rebecca cotton for the applicant in relation to compulsory acquisition, the proposed change to the drainage design statement has no implications.

19:50

Thank you very much. And that basis, I'll leave the discussions around what the change request is and what it delivers to the issue specific hearing six on Friday.

20:07

There are a number of key documents which are going to be referred to throughout this afternoon's hearing. So to prevent things becoming repetitive and to save time, I'm going to set these out in detail now, along with the relevant examination library reference numbers, and how I will refer to them in discussions. I then do not intend to keep repeating the examiner every references unless I'm referring to a different version of the document or introduce a new document. The version of the draft development consent order I will use was that which was submitted at deadline to which has the exam Library Reference Number rep two dash 003 going forwards I will refer to this as the draft DCO. The version of explanatory memorandum I will use is that which was accepted by us as an additional submission and is dated June 2023, version 2.02 It can be found in exam library at a reference a S dash 069 Going forward, I will just refer to this as the explanatory memorandum. The book of reference is the version that was submitted with the application which can be found in exam library at reference a p P dash 011. Going forward, I refer to this as the book of reference. At deadline to a the applicant provided a document called status of negotiations compulsory acquisition schedule, which sets out how negotiations in relation to compulsory acquisition matters are progressing. This can be found an exam Library Reference rep two a dash 003 and I will refer to this document as the CA schedule. Finally, while I will try to minimize the use of abbreviations, I may occasionally lapse and so when I say CA I mean compulsory acquisition and TP means temporary possession. I'm now going to move to item two on the supplementary agenda. Having reviewed the draft DCO. The examining authority highlighted a number of questions which we considered required relatively straightforward responses, clarifications and or submission of additional information or evidence. Rather than use the time at this hearing. To get this information, we published a supplemental agenda, which can be found in exam library at reference, Evie, five dash 002 detailing these queries requests and asking that will be provided the written response at deadline three. However, as set out in this agenda, I just want to take the opportunity to ask now whether anyone considers that any of these questions requests needs to be explored orally at today's hearing. If I could just ask the applicant first.

22:45

Rebecca cotton for the applicant, Madam No. We're considering questions and we are on track to provide the response by deadline through this requested. We don't think they need discussion today.

22:56

Thank you. If I can ask Luton Borough Council if they have any points that they want to raise with a supplementary agenda.

23:05

Madam Thank you. No, we've got no further points.

23:09

If I can ask the joint host authorities Mr. Wilson.

23:13

George Wilson, Hampshire authorities? No, madam Thank you.

23:17

Can I ask if anyone else wants to raise any points or on the supplementary agenda that they think we need to discuss or really now. Like, then I'm going to move to Item three on the agenda which is part five of the draft DCO, which is articles 24 to 41 and schedule six. Having reviewed the best use of the hearing time today and the points that I wanted to explore in relation to these articles. I now propose to take these at the end of the agendas as these are easily convertible for written questions. If we get short of time. Does anyone want to raise any points or has any queries with regards to that? In that case, I'm going to move on to Item four of the den, which is scheduled eight protective provisions. as currently drafted schedule eight of the draft development consent order contains generic protective provisions for the benefits of the protection of electricity, gas, water and sewage Undertaker's which were in part one, the protection of operators of electronic communication code network operators, which is part two, and a specific provision for the protection of London Luton Airport operation limited the current operators the airport in part three. I note from the various responses that we have received our requests that if this schedule should contain step bespoke protective provisions for the benefit of infinity water, Network Rail, Thames Water cadent gas and Eastern power networks PLC and UK power network operations limited. I'm also led to believe from this morning's discussions that national highways indicated that they would also be seeking a bespoke protective provision. I just asked Subash Where did that for case.

25:05

Yes, but if that is the case, we have already supplied drafts to the to the applicants as well.

25:14

Okay. Then what I'll do is I'll just deal with each of the protective provisions. And if there are representatives from those organizations here, then please feel free at the relevant point to get involved in discussions. So if I can just ask. So affinity water, which was rep one Oh 30 objects on the basis of an absence of a protected for provision for its benefit, and as a result, it considers that a proposed development cause serious detriment to its undertaking. They acknowledge that the applicant has

sought to actively engage positively and considers that all issues it has raised could be resolved through agreement. I note from the compulsory acquisition schedule, that you have actively engaged on this. And the last meeting was on the seventh of September, could I just have an update as to where we are with regards to this protected provision? Given affinity water aren't here, this may fall to the applicant

26:10

for better clutton For the applicants, madam, as you say, there have been there have been discussions with affinity water, we provided a response to their representation some months back, more recently, in August, they had a draft signed agreement on the protected provisions. We have since met with them twice, firstly, on the seventh of September, as you're aware, and then also subsequently on the 21st of September. And we are still awaiting a substantive response to the draft protective provisions provided by us. But we are, we are understand that those will be provided in short order. And so we see no reason why there won't be further progress made after that. And

26:57

Miss Wilson, I can see your hand is up. I'm apologize if I've missed it. But can I just finish with a finishing watch? And then I'll come back to you in just one second? Because I've just got a series of questions, which whilst we're on a roll up, because

27:07

it isn't races are instructed, I think on behalf of affinity water.

27:13

Yes, that I mean, the slightly awkward position of not appearing strictly for affinity water, but actually, in reality. So I just want to briefly say that's an accurate depiction of the situation, the we've got a draft agreement from the applicant, or affinity or two, and we will be supplying that in due course. So I think the the overall position of constructive engagement being ongoing is how I characterize it. Thank you.

27:38

Thank you. So can I just ask, from our perspective, is a bespoke prospective provision going to be inserted in the DCA for the benefit of affinity water? Or is it being resolved through an agreement?

27:50

There are prescribed protected provisions being negotiated will go in the order?

27:55

And do you have any indication as to when that might be just so that we're aware where we are in that process?

28:01

Okay, so given that we haven't had that substantive response yet, it obviously won't be for deadline three, it hopefully we will be in a position to be able to provide that by deadline

28:11

for Okay, lovely, thank you. But then can move on to Network Rail, which is rep 1113. A, they own land that will be subject to compulsory acquisition and temporary possession, which we will deal with in the next item. But I have also raised concerns regarding protected provisions that considers bespoke provisions are essential to ensure safe and efficient operation of the railway network that they have. And they want to have protective provisions included on the face of the order. There's non currently included Network Rail, but they have provided their own drafting. I note from the compulsory acquisition schedule that you have been actively engaged on this, and that the last contact with them was by email on the sixth of September, similar to affinity water, can you provide me with an update indicate whether or not a bespoke protected provision is going to be inserted and the likely timeframe for that happening given that Network Rail aren't here today?

29:08

Rebecca cotton for the applicant, and we as you say there is engagement that is now ongoing. I think that that that is leading us to conclude that there will be protective provisions concluded between ourselves and network rather that will go on to place the order. I'm afraid I can't give you a precise timescale for that, but we would anticipate hopefully again that it could be deadlines or Thank you. Those discussions are ongoing.

29:37

So the next one is Thames Water rep. One 163. They own land sewers, another apparatus throughout and surrounding the DCO boundary that would be will be affected by the proposed development and they feel will need to be protected or diverted. They don't be leave the provisions in the order which are currently the generic ones that would cover water companies would satisfactorily protect existing and future apparatus And the ability for Thames Water to comply with statutory duties next exercise its statutory powers. It propose some amendments to specific provisions in and the addition of others. I note from the CEA schedule that again, active engagement has happened, and that the last meeting was on the 12th of September. But this as in the, in fact, the majority of meeting seems to be in about modeling and the statement of common ground. Can I have an update with regards to protective provisions and again, because Thames Water aren't here, an indication of a spoke provision is being inserted or whether it's an amendment to the generic provision, and the timeframes for that happening.

30:44

Rebecca clutton for the applicant, Madam in this case, again, we provided a response to the detail representations and draft protective provisions to Thames Water in late August, we haven't yet had a substantive response to that we are, we have been trying to follow that one up. So we are anticipating that there will be bespoke protective provisions on the face of the order for the benefit of Thames Water. And we hope to have a response from them soon. But what we given that it's difficult to say whether we will be able to provide agreed protective provisions by deadline for but what we will propose to do if we haven't yet had a response from Senator at that stage is to supply the examining authority without our position on the preferred drafting for those presents provisions. If the examining authority thinks that would be of assistance at that stage,

31:38

what would be helpful is to enable us to understand how the DCO is shaping up. So obviously, at the moment is only three protective provisions on there's already an indication is going to be several more. So obviously, the sooner that we have the information, the more time we will have to look at it and make sure that we're also happy with it. So anything that you can do to include those sooner rather than later would be appreciated. But obviously, I do realize that they are subject to negotiations. And the sort of the objective of this exercise is just to find out, okay, we are going to be getting a whole raft of additional protective provisions diminished and expect those in one of the later versions of the DCO. And just where we are with that. So that's basically the context of this, this afternoon's discussion. In can I then move on to cadent gas, which is relevant rep o 171. They have low, medium and high pressure gas pipelines and associated apparatus located we're in very close to the order limits, which will be affected and may need to result in diversions. cadent have advised that they're not satisfied that the DCO as currently drafted includes all the land rights required to accommodate such diversions as designed studies which hadn't been done and needed to influence this came to advise that they weren't decommissioned existing apparatus and or commissioning new apparatus into that is sufficient land and land rights in land to do so either by the DCO or other means, adequate protective provisions for protection of its statutory undertaking a not agree but there is discussion between the parties. I note from the CA schedule, again, that you're actively engaged in this and that the last meeting was on the Fourth of July, you please provide an update and again an indication as to whether or not a bespoke provision or an amendment to the generic condition is proposed. But generic generic protective provision is proposed and the like timeframe

33:27

that Rebecca cluttons for the applicant. There has been some progress since July. We provide an undertaking for cost to cadent on seventh of September, and by return, they provided their own draft site agreement and draft protective provisions to us that we have now undertaken a review of those and we're intending to revert to cadent. This week, there are limited issues remaining between the parties. And so we would expect those draft protective provisions which will be in the form of bespoke protective provisions to go on the face of the order to be agreed. And hopefully we'll be able to provide those at deadline for but if not, we'll provide that for third drafting in the same way as we have. For wars, we propose the Thames otter.

34:14

So Eastern power networks PLC and UK power network operations limited they operate operating electric lines and electric plant in on or underline to these compulsory acquired or temporary possessed. They want suitable alternative sites rights in substitution for those that lost its lost. There's no protective provision to provide for review discussion, and whilst there are some on the face of the order, these have not agreed and they want to enter discussions a note from the CEA schedule that again, you're actively engaged on this and that the last contact you had was an email to arrange a follow up meeting on 31st of August. As with the other protective provisions, can you provide me with an update indicate whether or not a bespoke provision will be put in or an amendment to the generic generic protective provision And likely timeframe

35:03

that Rebecca Clutton for the applicant has slightly less progress on this format. And we have contacted you KPN to seek to clarify whether they are seeking bespoke protective provisions and to enter into substantive discussions about those if they are, we haven't yet had confirmation from them on that point. And we have chased that up, but haven't yet had a response. Until we have that discussion with them. Our position is that the generic protections already on the face of the order should be sufficient. But if they revert to us, then we're obviously happy to consider that.

35:41

Okay, thank you. So if I can now turn to national highways. So Mr. Bassford, if you just want to explain what it is that you're wanting in terms of protective provisions? Because obviously, currently, there are no bespoke protective provisions on the face of the order with regards to national highways.

36:01

Thank you, Madam how, best bid on behalf of national highways. So national highways are seeking equal suite of protective provisions, these places in the same position as it would be or a similar position to that which would apply, were the works under the DCA to be performed pursuant to section 278 agreement by the applicant. And it's designed to protect the strategic road network and ensure that the works are properly carried out. It's important to recognize that national highways is not funded to carry out works for this scheme or to oversee them or to put things right should they go awry. And so it's really important that that provision be made in the order to hold national high was harmless and to protect the public purse.

36:52

And can I just ask, Where have you provided any form of drafting? Or has it the applicant provided you with any form of drafting? What's the situation there?

37:02

As I mentioned briefly earlier, yes, we have provided drafting to the applicant, they have responded to that, and a discussion has already taken place. So those those protective provisions are being worked up and advanced. I can also say that where there are other provisions required in the order, we will raise those in the same context so that those can all be spoken about at the same time, with a view to updating you on them. And I hope that that is acceptable to the applicant. Also,

37:35

if I can ask the applicant to respond, so can you advise me for bespoke if I can expect a bespoke protective provision for the benefit of national highways in the future? And an indication of potentially the kind of timeframe that that would be delivered in

37:51

Rebecca Clutton for the applicant? Yes, what Mr. Bassman says is correct. We provided comments on the draft supplied by national highways, there's been a subsequent meeting. I think we're now just awaiting further comments on that written on the written draft protected provision from national highways. But for our part, there's only a few issues remaining between us. And we'd hope to be able to

resolve those those soon. And again, hopefully to provide an agreed draft of those protective provisions. They're long for. Thank you.

38:24

That's right. I pray for two middle class and for her her response that reflects the position the ball is in our court. And whilst I wouldn't guarantee agreement by deadline for certainly well within the currency of the examination,

38:40

thank you very much. And I note from the CEA schedule, that there are a number of other such end takers who you are engaged with, albeit that these undertakings have not submitted an objection into the examination. can you advise whether we can expect any additional protective provisions to be inserted in the DCO to accommodate these Undertaker's

39:03

Rebecca clutton for the applicant, the only other protective provisions, which are under discussion at the moment are are under consideration are for the drainage or authorities in hearts to quorum and North hearts beyond that we're not anticipating any further protective provisions for any other parties.

39:27

And as Mr. Wilson has his hand up, do you want to respond on that?

39:32

Yes, thank you, Madam. I'm grateful for the applicant's response on that. And yes, I was going to mention the drainage provisions and we can pick those up as part of the ongoing engagement. You may be about to come on to this but it just was also meant to flag up point that I believe Mr. Owen made this morning around on a similar base to which Mr. Bassett has mentioned in respect of the strategic highways network. The fact that the Hartfordshire authorities well becomes council would be seeking turbulence, local highway authority protective provisions which are precedented on orders such as the silvertowne. Turn Order. So I'll be just add that to the list. And we can of course pick that one up as part of the engagement, the applicant.

40:14

Okay, because currently there are no protection provisions for the benefit of any highways, authorities on the face of the order. So am I likely to be seeing so many times soon? Yeah, picking something is probably the best person to respond in this.

40:31

Rebecca club and for the applicant. My understanding at the moment is that that will depend on on the content of the negotiations, which obviously underway at the moment.

40:40

It's just me mainly making sure that I've got things on my radar that are expecting to come in. And so there is the potential for protective provision, the benefit of the highways authorities that could appear on the face of the Audrina in an iteration down the line. Is that was

40:55

the potential for that. Yes.

40:57

Thank you. Does anyone else who's here today want to raise a point on this agenda item with regards to protective provisions? No, there was mentioned this morning about protective provision for the benefit of London Luton Airport operations limited. And I have to say I made a note of it. That was somebody who wanted to talk about it, but I can't remember when what context. So anyone wanted to talk about that protective provision now is your opportunity. To take that, that we've all forgotten what the that point was. So I just like to remind the applicant that if there are outstanding objections to protective provisions at the eggs and end of the examination in Section 1278 and 138 of the Planning Act, 2008 would be engaged. And they will need to submit a section 127138 case stating out stating how the proposed development could proceed without impeding the ability of Stachy Undertaker's who have objected to carrying out their undertakings. So can I just ask, first of all that make it clear to the applicant that that's something that we will require, and that we will potentially expect such submission that deadline 10, which is the fifth of February 2020, for this question, want to respond?

42:23

Rebecca is Latin for the applicant, Madam that's noted. And we'd be able to do that to that deadline should that eventualities arise.

42:31

Thank you. So, I'm now going to move on to Item five on the agenda, which is the section 122 and 123 tests. I'm gonna start off by asking the applicant to provide some context for today's discussion. And so I just want to ask the applicant to take no more than 10 minutes to very briefly set out the case for compulsory acquisition, and temporary possession against the tests in the Planning Act 2008, as was set out on the agenda,

43:05

Rebecca clutton for the applicant. Thank you, Madam, madam, Chapter Nine of the statement of reasons, which currently as 071 sets out the applicants case as to how it meets the various tests from sections 122 and 123. Of the Planning Act and also the associated compulsory acquisition guidance. And principally, they are that the land is required for or to facilitate or is incidental to the development to which the development consent relates or is replacement land, and that there's a compelling case in the public interest. And the applicants position in relation to those tests can be distilled into five key points. And firstly, the land that's been identified for compulsory acquisition is required for the authorised development or to facilitate it or for replacement land. And the statement of reasons and in particular, Annex A to that document, together with the land plans, including the special category land plans, the works plans, the book of reference, and the draft DCO all show how and why that landing is required, and of course, how it would be you used. Now, the nature and the duration of the project

means that there is some degree of flexibility that's required in implementing the authorized development. And for that purpose, we've obviously set out the limits of deviation that appear in the draft DCO those limits are the minimum necessary to ensure that the project can be implemented over the timeframe in which is intended to be delivered. And but of course, only land that is required will ultimately be acquired. So those all land that is included within the order is considered to be reasonably necessary for its implementation. But the Second point is relates, and this is part of the demonstration of the compelling case is the need for the proposed development. And obviously, Madam that is set out in detail in our need case, which is as at one to five. And also in Section 4.3 of the statement of reasons, which I've already identified now, that need there isn't identify within both of those statements, there is an urgent and vital need for the proposed development and that derives from national, regional, and Southern and sub regional, economic and other policies that are focused on building economic growth in those areas. That need is also driven by future demand. Forecasts are which show that additional capacity is urgently needed to keep pace with that demand. Development is identified as supporting three things Firstly, the Oxford and Cambridge arc with London Luton Airport being the only airport situated within that area. Secondly, it will support the growth of high value sectors and the development of an international economy again, consistent with the policies that I identified earlier, in broad terms. And thirdly, it would support the leveling up agenda through the delivery of investment skills and jobs. And the result of all of that, ultimately, is substantial benefits to both employment and GDP. And those benefits arise at a local level and at a regional and national level. And then finally, there are consumer benefits delivered through the proposed development in the form of both reduced earning times and convenient airport access. So that's point to the need for the proposed development. The third point is that we have of course, considered all reasonable alternatives as required by the guidance. And these are comes into force Firstly, in terms of alternative sites and layouts. And then secondly, in terms of alternatives to compulsory acquisition. Now in respect of alternative sites and layouts, Chapter Three of the environmental station statement in the consultation report deals with that matter. And it sets out there that we have considered various alternatives in terms of both and alternative location for terminal to and various different internal layouts. We've considered those prior to the making of our application. For development to consent to inform, obviously, the landscape requires in respect of alternatives to compulsory acquisition, whistling, the applicant does already own or controls much of the land and rights that are required for the delivery of the proposed development. And it has looked at alternative to outright acquisition through or where land is required to be acquired. It's looked at alternatives to outright acquisition in the form of acquiring rights or only taking temporary possession. And as further alternative to outright acquisition on a compulsory basis, it has, of course, engaged to acquire all London rights that are required by voluntary agreement. And obviously, we'll go through negotiations that are ongoing in respect to that in the next agenda item, Adam. The fourth point that we need to consider is that, although I can we can address this that the powers that have been sought are both necessary and proportionate. And you'll be aware rather than that, in the case of each plot of land, which we've already explained that they are considered necessary to deliver the proposals, and we say that also proportionate to the degree of interference with any private rights. As I mentioned, in the context of my last point, we have sought to take powers to temporarily use landlords who only take rights wherever possible. And so we've therefore included within the order limits no more land and is reasonably required. The proportionality of the interference is also supported by the availability of compensation, both through the statutory processes and also through the discretionary schemes that Mr. Wolfe can address your more if you need to in due course. We do note, of course, that in this case,

the order of six pounds of compulsory acquisition for a period with a lifespan of 10 years, which is longer than the standard period, that in itself is both preceded in terms of other major schemes such as the Thames tideway tunnel DCO, but also is justified on the facts and that's section 9.8 of the statement of reasons sets out in more detail justification of that put in summary, allowing for a longer period for compulsory acquisition facilitates our incremental approach to growth as required, it accounts for the lengthy period of necessary earthworks. And obviously, the phasing and scale of the project, which I've already mentioned is preceded on similarly large projects. And finally, and really importantly, it facilitates acquisition at the time that property is actually needed and no earlier which is obviously to the benefit of those who are affected. But finally, then the fifth point is, they say the compelling case in the public interest. So the need cases that I've outlined already demonstrates that very strong and compelling case, that for the development to be delivered, that derives from the new jobs and the economic and social benefits that arise as well as the consumer benefits that will be realized through expansion. The disadvantages to the local community have been minimized as far as reasonably practicable through design through other mitigation measures, and interference with private rights has been mitigated or minimized, as I've already described. In all those circumstances, madam, the conclusion of the applicant is that the balance is decisive, simply weighs in favor of the grant of the compulsory acquisition of hours to enable the proposed development to be delivered.

51:23

Thank you very much. Just before anyone wants to jump in, if your question or queries regarding need, that's not an item we're dealing with tomorrow morning, at issue specific hearing, too. So Miss cotton has just highlighted that the applicant obviously feels that they have a need case, that's something that we will explore through the examination going forward. There's not something I was proposing to focus on the compulsory acquisition hearing, I was looking more at the technicalities of actually what's being proposed to be acquired. So I just want to check if anyone wants to raise any of the points on the case for compulsory acquisition or temporary possession that's just been outlined by the applicant, before I delve into a bit of detail. Now, in which case, I'm just going to move on then. So in relation to the land being required to facilitate the proposed development, having worked through the work and land plans in detail, I do have a number of questions regarding why some of the land being sought is required to enable the development. As you've mentioned, and in fact is set out in the statement of reasons the applicant owns the majority of the land required to enable the development. However, if you look at both book reference and the land plans, you are seeking to compulsory acquire a lot of land you already own or have rights over. So for example, the Crown light crown whites that currently exist in the runway. Seeing as compulsory acquisition should only be a last resort. Can I ask why therefore you are seeking to acquire land you already own?

52:56

Rebecca platinum for the applicant? Madam Yes, this is quite a standard approach on development consent orders, and also for other forms of compulsory acquisition through through other channels. Essentially, by having the land included within the within the compulsory acquisitions of the development consent order, it enables us to clear title to the land, and to ensure that it's clear of any any minor interests or other things that perhaps haven't come to our attention during the land referencing process. So it means that there will ultimately be no impediment to delivery going ahead. It's effectively a belt and braces approach.

53:38

How does that meet the test? Because you're only meant to take land you already that is essential to enable the development to go ahead. And so for example, as I observed yesterday on a site visit to the airport, you know, the runways operating perfectly fine, even though the crown currently you have an interest in the runway. So why do you need to wipe those rights? How does that meet the test?

54:08

Madame Rebecca checking for the applicant on I mean all the particular example of Crown land, obviously, the rights in Crown land are excluded from compulsory acquisition within the book of reference. And in relation to other rights that might be in the land. It obviously if if they were if the development is to go ahead, they will have to be acquired or wiped. And so that does meet the test because we we need those interest to be cleared for the development to go ahead.

54:44

Thank you. Moving on to the next question landed in relation to work five E and maybe this is something we will understand a bit more when we have discussions that issue specific hearing six, but the proposal seems to largely consists of providing a screening to put path through reduce the significance of effects to users of these foot paths. But what I just want you to know, are these works actually necessary, particularly when weighed against the concerns we have regarding these proposals, preventing future development or inhibiting farming practices. And, um, so what I'm actually here asking here is, is that land actually needed. And I realized we may need to come back to this as a written response following issue specifics, hearing six, when we need these works is going to be further explored.

55:35

clutton for the applicant, madam, unfortunately, we dropped out during you, you're asking of that question. And so I heard that it related to work five v. And then I heard why do we need that? And at the end, I didn't hear anything in the middle. I mean, I heard she says, well, that we might want to come back to you. I'm right in writing on this. After the conclusion of issue, the later issues specific issues.

56:00

Week, let me run through it again. So land in relation to work by the which for the benefit of everyone is the headwear restoration and improvement works. It's I said, as I said, maybe it's something we will understand a bit more when we have had the discussions that issue specific hearing six, but the proposal seemed to largely consist of providing screening to footpath to reduce the significance of effects to users of these footpaths. But what I want to know are are these works actually necessary, particularly when weighed against the concerns we have regarding a number of these proposals preventing future development, or inhibiting farming practices? IE is the land actually needed. And as I say, it may be something you might have want to come back to as a written response, following issue specific hearing six, when the need for the hedge row works is looked at in more detail.

56:51

So back to the applicant manual, we may do that. But I think I can outline now that that the lands and rights that have been talked about are required they are they are to deliver what is regarded as essential mitigation for landscape adverse landscape and visual effects. And our assessment is that the delivery of that mitigation is sufficiently of sufficient importance to outweigh the the private rights in inland. I'm sure, obviously appreciate that some of the parties here today have raised issues about the the extent of the rights being sorted. No doubt Mr. Walker can address you on that further when we get to negotiations. But our view is that the balance is struck appropriately in those cases, because it says it is essential mitigation for adverse landscape and visual effects.

57:38

Okay, I think it's something that I may well leave in terms of compulsory acquisition is going to provide me with a response. But as I say, it's maybe something that we're going to have to come back to I mean, issues in the development consent orders are very like Venn diagrams, there's lots of overlap between them. And this is one of those areas. I think one of the concerns, obviously, the acquisition of land is quite a big ask, and we need to be sure that it's actually needed. And I think one of the concerns potentially is, is that whilst the screening is being proposed on those footpaths to mitigate the impacts of the development, is the harm from the screening more harmful than the benefit it's delivering. A say, for example, is the footpath only used infrequently by one or two people that day, but the harm to the farmer and the ability to farm and manage their land because it subdivides a field parcel may be more harmful. So I think it's something we're possibly going to have to pick up again, going forward. But that's what I was just trying to look at with those hedgerow works, because having looked at some of them, now, there's a moment footpaths that go across fields, which currently a farmer can plow it easily, but will subdivide the field parcels and will cause problems in terms of agricultural practices. So I think potentially, for both of our sites, we'll just leave it there for now. But it's something that we may come back to maybe further explored issue specific hearing six. So sorry,

59:03

just before we do, Rebecca, and for the applicant, can I just check if it would assist you, I can make sure that on Friday, landscape and visual experts brief to deal with that point, if that would be helpful to you, when we when we meet for a shoe specific hearing.

59:19

Let me just look to my left and my colleague who's going to be dealing with landscaping visuals, if that's something they would benefit. Yes, that would be that would be beneficial. If that could be done.

59:27

Thank you. We'll make sure that can be done. Thank you.

59:30

If I can then move on to offsite highways works. I note that the majority of these works are within the highway. And the reason that I'm raising this question here now is that change requests where they require the addition of more land are very time sensitive in terms of examination because we have to allow enough time for consultation to go ahead. I just suppose I want to raise the question here is, is the amount of land that's being sought hair sufficient or would more land be needed. And again, it's

maybe something we might need to revisit following issue specific hearing for with a written response. Once we've looked at those off site highways works in a bit more detail as to whether they are delivering what needs to be delivered. So

1:00:21

we can do better, Rebecca flattened for the applicant, we can do again, madam but but again, our position is that the land that's been identified as being necessary for those offsite highway works is sufficient and is what's required to deliver the works that are actually needed to mitigate the impact of the proposed development.

1:00:39

And notice Mr. Basford had his hands up on behalf of national highways. Do you want to come up with the password?

1:00:44

Yes, good. Yes, madam. How best fit on behalf of national highways. The position of national highways in relation to this is that there are sundry additional pieces of land which may be affected, for instance, to provide for signage gantries, we know that the applicant has not yet has not yet managed to design elements such as they will obviously critical to the safe functioning DSRM to speak for the local highway authorities, needless to say, but that work still remains to be done. If those works do require land on the SRN outside the outside the red line as it stems then will be well that can be accommodated using the powers of national highways and address through Grampian requirements, which would be the normal way of dealing with it, but but that that should all being well remove a need to include additional land. The other thing to flag is that there are certain areas of the SRN which are congested at or above capacity, which will be exacerbated by the proposed works. And improvements to those areas will need to be carried out before the before the project can come forward. Those areas cane or being well should be within the operational highway network and so should be being dealt with by

1:02:29

Mr. Basler, you've cut out there Mr. Basford, and veggie frozen. Today, we're going to have to let Mr. basophil go. Well, I think what I was trying to I don't

1:02:47

No matter if you object, no matter if you hurt me on that

1:02:51

I didn't hear about

1:02:55

Shall I? Shall I repeat that with my camera off?

1:02:58

You can, okay.

1:03:02

Or I can simply make a written submission. If that's not true,

1:03:05

I think that would be helpful. I mean, that's what I'm trying to send out here. I'm looking at this purely from a compulsory acquisition perspective. And obviously, as I mentioned, if additional land is going to need to be compulsorily acquired, or even temporarily possessed, then we need to know that sooner rather than later. Because if it's going to be dealt with through the examination process, we need to have enough time in the examination to actually enable that process to go through. So I suppose that's the reason that I was flagging it up now, because we noticed that, particularly for the off site, highways works, they were all within the ownership of the highways authority. I don't know. Well, Mr. Wilson wants to come in on that one. But Mr. Basford, if you just want to finish.

1:03:43

I was just going to say that, whilst they may not be entirely within the ownership of the of the Highway Authority, in the case of national highways, what we can say is that Grampian conditions are designed for positions such as that, so So that can be addressed without derailing your timetable or being well. Okay.

1:04:05

Mr. Wilson, was there anything you wanted to talk about with regards to the host authorities? Because obviously, quite a lot of this is within their domain.

1:04:13

Yep. Thank you, Madam George Wilson for the hub to authorities. I think the overarching point that those instructs me have mentioned is a slight lack of clarity in terms of whether the the land that is identified for offsite highway works, will do the job in terms of the required mitigation. And that goes to, I guess, the efficacy of indeed requirement 29, which I'm sure will be talked about later in the week. So haven't got anything more to say than that. But ultimately, the authorities position is any mitigation works needs to be shortly going to come forward and that needs to be legally binding in some way or another. So I haven't got anything more than that.

1:04:50

As I said, it may be something that's discussed further issue specific here for and then it comes back to compulsory acquisition through another route. Does anyone want to raise anything else with regards to offsite highways works. No, it's at this point, I'm going to potentially ask my colleagues to share something on the screen because I'm just seeking some clarification. And unfortunately, I don't have line of sight my case manager. But I was wanting to talk about a piece of land that appears to have been potentially left out of compulsory acquisition. And so I was going to request that document as Oh 11 was drawn up here and sheet six. The applicant is going to do the sharing. They've could ask the applicant to potentially share this document. And what it is, isn't as an area of land, which is not being compulsorily acquired, unlike everything surrounding it surrounding it. Immediately below is plot 513 and above is plot plot 530. So this is that sort of white scoop of land in the middle of all that pink. This is

the era of placement land for Wigmore Valley Park, so I'm just trying to understand why this piece of land potentially isn't being included in it.

1:06:21

So I don't know if Miss Katrin from that applicant wants to comment

1:06:26

about the clutton for the madam, our position is that land at that land is not required for compulsory acquisition, it's land that's already owned by by buyers, and which is subject to farm tenancy. And that will continue to be fine. We don't need it for the purposes of the project. And so it's been excluded falls within the category of white land that's described within the statement of reasons.

1:06:51

Thank you for that clarification. Okay, so I'm just going to construct showing that there, thank you. I'm now just going to move on to deal with some individual objections that we've received compulsory acquisition and temporary possession. The purpose of today is not really to hear detailed discussions and individuals plots that because at this stage, we would expect the applicant to be attempting to resolve any differences outside of the examination process, where we have not received a representation we are assuming that there is no objection to compulsory acquisition or temporary possession. The examining authority are aware from the relevant representations and subsequent submissions that deadline one and deadline two that there are a number of specific plots where there are outstanding concerns and we have invited those affected persons to attend today. These are Bartholomew played or Bouvier who I note hasn't attended and the Elric family who I believe are being represented by a gentleman whose name is not on my list in front of me at the moment. Mr. Harvey. In addition to those individuals, we have had objections to compulsory acquisition from the following organizations who have own or have interest in land. So we have Network Rail. We have law homes who are today here today, we have ATO holdings, who are represented by bid wells, I should say that blow homes have been represented by Gowling LLP, the trustees and the Paul Tompkins will trust GKN aerospace limited. John Andrew and Jana not Jason Follett property Holdings Limited and Jason property limited, open wide Investments Limited who are represented by lichfields. Seller UK property unit trust, who are represented by Knight Frank LLP, off the chase estates limited who represented by Roebuck land and planning limited, in addition to which we have received representations from Kevin and Miranda foals inspired villages, and Charles Simpson rentals limited Charles Simpson organization limited who were represented by David Williams. And I think these latter three are related to serving a section 56 notices and category three issues. But I don't think anyone thought any of those parties are here today. In which case, I'd have just got them to confirm the situation. I'm going to convert the questions that I had with regard to Mr. Playdough Bouviers land which is in light Hill in breach with green to a written question given he's not actually here. So I'm then going to move on to the elders family, which was relevant rep. Oh 410. There in the book of references Dean, Clive, Elvis Eldridge, and Linda and Eldridge, but we obviously also have a relevant representation from them as the elders family altogether. They are in the CIA schedule as owning plots 5035 Dash 136 Dash o four, six dash 13 and six dash 18. However, I note according to the book reference that plot six dash 13 is not not a number not used, and their land is proposed to be acquired in relation to a variety of works its plot 604 is approximately 3.3 acres were permanent rights and restrictive covenants for new fuel pipeline and

associated associated installations and permanent rights to construct, operate, access, protect and maintain habitat mitigation area. I note from the representations that have been submitted that the eldest family considered that there's not enough information to understand the extent of the works and therefore the impacts. And previously there had been indication that they were that the holder of the property will be compulsorily acquired. Taking a rights is a new proposal and needs to be better detailed and considered most other things that it would affect a planning permission that they have to convert some outbuildings to residential properties and a private water supply. And there's a question mark with regards to the pipe road and habitat creation for which rights are sought. And there's a feeling that this could potentially occur on land that's in the ownership of Luton Borough Council at Luton Airport. So if I could just ask Mr. Harvey to come online. Good afternoon. Anything further that you want to add with with regards to sort of whatever and so far?

1:11:53

That was very helpful. Thank you for that. I mean, we've we have now had a meeting actually, with the applicants agents, which was just over a week ago, where, and we've obviously seen the response to those replies, inquiries, which which has been helpful and giving us a level of information which we would be pleased to see incorporated as as the drafting is currently, it's quite wide. In, we still have outstanding a question mark over the roof plot six so far is is a large area of land, the actual route that the pipe could come through there is it's only indicated on the works plan. And it could, understanding where that route would be, is one of the queries we still got outstanding. But and in relation to the woodland that it's only very recently become apparent the extent of works that will restrictions and rights that are required on the woodland. Because the plan wasn't included in the landscape document originally for confidentiality reasons. So we now understand that our clients land these woodland four in that document. And that that's a query we have outstanding, which is what those rights and restrictions would be. It's a 10 year we understand it's a 10 year felling and replanting program that does impact on the new dwelling planning permission for these new dwellings. Although at the meeting last week, it was agreed that that the plot 604 could could be reduced to exclude those plots, which is welcomed, and we'd like to see that confirmed. So. So that's where things are, but but we do still have a fundamental question, which is that whether the pipe route, does indeed need to pass through our clients property or any any restrictions that are required in relation to the woodland which does have an impact on our property. And given the large land owning that is owned by by the applicant. We do still have to question outstanding weather, whether it could be accommodated elsewhere.

1:14:12

That's correct. And you want to respond.

1:14:17

Rebecca Clinton for the outcome, Mother, I'm going to ask Mr. Walker to address you on this. He sets my right here.

1:14:24

Good afternoon, Madam Steven Walker for the object. As Mr. Hardy has confirmed we we met only a week ago. He's itemized a number of issues that we've taken away. We've responded on some of them to try and get more information. We are still working on the detail to provide answers to all of the

questions and challenges that they put to us. So we will work quickly to to provide those Autism, hopefully address the concerns that are being heard today.

1:15:07

So, if I can continue to, if I can ask you to continue to proactively work together to try and resolve this, obviously, you know, the first instance should be that lunch should be acquired voluntarily and not through the compulsory acquisition process. But if I can look, if you can provide me with ongoing updates, which we will do through the CA schedule, at this point, that would be helpful. So it's it's moving forward, and there are discussions ongoing, but obviously, there's still the issue as to whether or not land needs to be required, which is section 122123 tests. Can you provide me with a response to that? I think it's been particularly in response to Part 604.

1:15:52

That Johnson, the applicant, Miss Mr. Walker can address you on that too, madam.

1:15:59

So plot 604 is the is the woodland plot that has been referenced. And, again, it's a it's an ecological mitigation piece that I'm sure that our experts be able to talk to later in the week. That the reason the, the plot is all shown is that all of that woodland is, is required for a for an ecological calculation to minimize impact. So it's a it's a transformational piece of of work to improve wooded area over a period of 10 years. And that's why it's included in the in the order limits. The pipeline is also expected to route through the same plot of land. And that's why the pipeline route isn't shown specifically in the plans at this stage, because the entirety of the plot is included in the order limits, or void rights.

1:17:07

That's it, just to clarify the plot. You're telling me the plots required in order to read the pipeline through it somewhere within the hull of the plot. And it's required for ecological mitigation? That's why you're needing to fire it.

1:17:25

Staggered walk, the applicant, he did the acquisition is, is for REITs only. So it's not a it's not a it's not a compulsory acquisition of title. But But yes, the pipeline will route through the same box of land will otherwise being improved. At these all it is a strip of land that is all wooded at the moment.

1:17:54

Thank you. Is there anything further you wanted to add? Mr. Harvey before I move on to the next item?

1:17:59

Well, not specifically. I mean, we appreciate that it's said that it is required. But you know that I think we were just looking for more results. We're continuing to engage and talk about the provisions and how and progress the discussion constructively but but yes, we do still have that fundamental question and we would like some further reassurance as to why it is required.

1:18:27

Thank you very much. Okay. The next people I was going to who've obviously objected to CAA of their land is Network Rail, but as they're not here, I don't propose to roll that over to a written question. So if they can then move on to blow homes, which is rep one Oh 62 And these is in relation to plot 340-340-2713 714 747 43 and 746 which is needed for offsite hedgerow restoration and screening works work five II, the plots form parcel of land in East saloon and strategic housing site for which it has planning application in for and which it is committed to develop. And I think there is a question mark on behalf of law as to whether the works would actually be need to be delivered. Because once they've built out their scheme, screening for us as a footpath will be provided by the benefit of their scheme. So the first question I have is actually for the applicant. I just want to check here because obviously there is some overlap in the hedgerow work. Some of it is ecological mitigation, some of it is screening. So is the hedgerow that is in relation to these plots needed for screening or needed for ecological mitigation because it's two quite different things.

1:19:58

Rebecca, Rebecca Chapman The outcome, Madam, I'm afraid I don't quite have the answer for that for you at the moment. But that's the point that we will take away. I've really haven't got the right people in the room.

1:20:08

Maybe the representatives blow homes No.

1:20:15

Madam Vicki Fowler on behalf of blow homes and mad and there is a reference in the environmental statement, in particular that the tree planting restoration would not be required. If the development that's proposed by law homes in this particular location went ahead on the basis that the housing would screen. So my understanding is it is it is a matter for of screening, rather than than mitigation.

1:20:47

Thank you for that clarification, maybe I could ask the applicant to take it away as an action point just to confirm that that is the case. Because obviously, if it's needed for ecological mitigation, it's a slightly different conversation as to whether it's needed for screening. So I note from the compulsory acquisition schedule, that there has been engagement between the parties with regards to this, and that the last contact was meeting in July. So can I just have an update as to what's happening with these discussions, and whether the issue as to whether or not this land is or isn't required, has been resolved. So I

1:21:27

don't, again, I'm gonna pass over to Mr. Mr. Walker, to fill you in on this. There have been positive discussions ongoing between the parties, so he can update you on more of the detail of that.

1:21:40

Steven Walker for the applicants. Good, we've we've continued to have dialogue with law homes, I think it's fair to say that we are trying to drill down on the detail of what the proposals mean, and what they might mean, for the land that law. Housing has an option over. And we're, at the same time talking

with the landowners who still, of course, own the land, and are involved as interested parties in this matter. So

1:22:21

I can just stop just on that point. So is that offley Chase estates limited? who represented by Roebuck land and planning limited, because the plots to me look as though they're almost the same? And then there's also the trustees of Paul Tompkins will trust? So those are the current landowners, where law homes have an interest to acquire subjects Planning Commission?

1:22:45

That's my understanding, but I'm sure confirm?

1:22:50

No, the reason I'm asking is that I've obviously got objections from them as well. So when I have to go through and deal with it, it's good to be able to tally them up. So potentially, we have objections on the same plots from three different organizations. That's that if you can confirm that that would be helpful. So going back to blow homes, you're in discussion as to whether it's needed or not. And you hope to

1:23:20

sorry. Sorry, Steven Walker for the applicant. So we had to work towards an agreement before the close of the examination. Okay, avoid the need to use acquisition powers.

1:23:40

Okay, and if I can just add on this.

1:23:48

Vicki fell on behalf of blow homes. I hate what Mr. Walker says. And that's appreciated. So just in terms of the matters that need to be resolved, so I think the first point is just the interest to be acquired. So certainly bluer if it exercises, its option would be prepared to grant the rights or at least access subject to agreement. And then really, it is clarity on this point about and this may come up in issues specific hearing six, this clarity on when these words would fall away, because there is a suggestion in the environmental statement, a paragraph 14 point three that these works wouldn't be preceded with. And then the other point is just really about the specification for the works and ensuring that Blore are consulted as the landscape schemes etc are brought forward to ensure that they are consistent with the broad Mercer master plan. And whether that be secured by obviously a side agreements or or through the requirements and the Consultation requirements. And then otherwise, there's just a point around clarity because in the relevant representation, I think the applicant indicated that these were indeed works to existing hedgerows rather than the creation of new, and I think was just seeking clarity on that, and that none of that affects blows option land that we are dealing with existing. And as I say, blowby keen to ensure that the extent of the headrow restoration doesn't can tell their development. Thank you.

1:25:32

For the Applicants got their hand up?

1:25:35

Yes. Rebecca Clinton for the applicant, Madam, I'm just going to confirm that one of my landscape team has been in touch and said that they're the works are required only for screening rather than ecological mitigation. So I just thought I confirm that point for you now, so that it's not one that we need to come back to you on in due course. Otherwise, obviously, we hear all that, miss that. This hours got to say, and we'll we'll take those points, and take those points away.

1:26:05

Thank you very much for that clarification. It's appreciated. If I could just go back to miss Bowers, one last question. In the information that we've got in front of us, obviously, you're in the process of applying for planning permission for these sites. Can you just provide me with an update as to where you are actually with the team in terms of Archie obtaining that planning permission?

1:26:24

Yes, pretty far on behalf of the applicant. So, so yes, the current application has been undergoing a further master planning exercise, following the adoption of the North hearts for sure local plan, and that master planning exercises obviously had regard to the Luton proposals, the expectation is that the sorry, the current application in terms of revisions will be submitted in early 2024. So certainly by the time these works are due to come on stream, ie 2025. We would expect to have completed a planning agreement and to have planning permission granted.

1:27:08

Thank you very much for that clarification. Thank you for your attendance today. If I can then move on to ato holdings, which is rep one Oh 51. At this point, Mr. brawny is going to come online. I just want to first of all clarify when Mr. Bromley the representation submitted only mentioned as plots 718 720 and 744. But the book of reference mentions 12 other plots, the ATO ATO holdings have an interest in can I just check whether the objection is to all plots or just those mentioned in the letter?

1:27:55

Madam, thank you again. opportunity to speak. Terry Bromley from bed wells, the other plots in which they have an interest they are as tenants, the representations only relate to their freehold interests.

1:28:09

Thank you very much. And again, this is another one with regards to offsite high hetero works. The concern appears to be regarding the imposition of a covenant and access for future maintenance and severance of a field creating two separate land parcels with restricted access. There's a public right away currently it goes across the field, but it's not hedged or fenced or enclosed in any way, which means that the farm can be the field can be formed as a whole field. And I know you work there's a request for a 10 year lead for replacement for dead or dying plants and plots with regard to prop 744. Part of which is a Greenbelt release, there's concern regarding planting of trees would impact delivery of housing. I note you also say there's no need to acquire quiet plot 720 as it does not serve any purpose for the proposed partaking of restrictive covenants or writes a note from the CEA schedule that you have been engaged on this, but that the last contact was in May, where the applicants agents

confirmed these proposals. Can you just provide me first of all with an update where you are with negotiations?

1:29:26

Yes, well, I'm Derek Bromley, Goodwill's. We have an assurance from the applicant that they will acquire the freehold interest in our clients property, if if they say require which which is helpful. The original iteration of the plans showed the hedged line cutting across and severing that field as as we've said in the representations. A later iteration, which came in a few days ago, showed us small gap in the hedge line. However, we have pointed out that as the field is in arable cultivation, the Combine header, which is used to pick up the crop and cut the crop is 45 feet wide. So we would need a gap in the age of about 45 feet wide in order that the Combine can move from one field to the other without having to take the head off. And then toe the head through to the next field, reattach it. And then back again. When that when it's finished harvesting, what we haven't mentioned and you have, as it's been confirmed now that it's just related to screening that to the rear of crouch more farm buildings, there is also proposed to be a new hedge planted and that will sever the buildings from the fields. So as it's for screening, and it's behind the buildings, we can't see that there is any need for that acquisition. In relation to the freehold acquisition, we have requested that there are reserved rights of access for agricultural purposes. And in order to protect the future development as part of the strategic housing allocation. So far, we don't have an assurance to that effect. We have said it will be conditional upon the granting of the planning permission. And we await a response from the applicant.

1:31:55

Does the applicant wish to respond?

1:32:01

Yes, madam Steven Walker to the applicant. I concur with much of what Mr. Bromley has said. today. We have confirmed to him that the gate locations and extents will be subject to detailed design and will be located to ensure that landowners are able to manage their land holdings and won't be disadvantaged. So there is some more design to go into that. As far as the third reassurances he is seeking around securing rights on behalf of his clients over areas that would be dedicated to screening mitigation. We were still working through that. We'll respond as soon as we can. I'm not sure we'll reach an agreement.

1:32:57

Madam Rebecca Becker claims the applicant sorry, just to just to finish off on that. I just wanted to be clear that obviously the the answer route screening was given in the context of blogs interested in that. And it may be that that also applies here. But I haven't had that confirmed. And so I just want to be clear that that was the context in which I was saying that the earlier works on broadband were only for screening, but I don't know the position in relation to the the hydro behind farm buildings, just Okay.

1:33:29

Mr. Bromley, bearing in mind, I did start this conversation saying this isn't about holding negotiations here in this meeting. What is it that you're wanting to further add to what you've already said,

1:33:39

again, motivates is a matter of striking the balance between the applicants need and the impact on the owners and the future use. Clearly, if we don't have a suitable agricultural access between the fields, we will have to look at a different type of farming operation that will invariably involve pasture that will increase the biodiversity that has a knock on effect in relation to the development and biodiversity net gain. So it has further development impacts. It's not just related clearly to agriculture are also related to the future development.

1:34:23

Thank you. And if you can all keep me updated in terms of where the negotiations are. And we'll probably revisit this at the next compulsory acquisition hearing just to get an update as to where we're at. And I had questions for a variety of other people but as they are not actually here today, I'm proposing to roll those over to written questions. So just the benefit of the applicant that was GKN aerospace limited. John Andrew and Yan are not Jason Follett properties, holdings and Jason property limited. Set a UK property Unit Trust. And the people that I referred to with regards to the links to the same site that blow Homes has interests in. So I will roll all of those over to written questions. I just want to finish off this item on the agenda by saying I note in the CA schedule that the applicant has picked up the following to have made an objection to ca. But having reviewed the submissions, I'm not sure why this brought me I don't know if you want to switch off your camera, you're still full screen. So if I can just have a quick conversation with the applicant and maybe this is something I just want to take away. At the moment in a CA schedule, you have Harrods aviation limited, which is relevant rep Oh 532 down as an objection to CA and I can see possibly why it's been picked up because their concern was an impact on the ability of the airport tenants to use enjoy the asset they leased from the airport concession holder. The wise is that why they are in the CAA schedule.

1:36:10

Rebecca Atkins Yes. And other than that, that's, that's why we've got them in there.

1:36:15

And then Luton, London Luton Airport limited which is relevant rep. Oh 857, which is referred to in CA schedule as London Luton Airport Parking. They appear to well, the rep that we have in front of them, their objection was on noise disruption and increase of traffic. And emissions, they didn't seem to appear to have objected to ca so I'm not sure why they're appearing in the CA schedule.

1:36:47

Stephen Walker for the applicant. So they were initially understood to have an interest in the car parking areas or Foxall way. They have since written to us to say that they have no interest so it can probably be taken out of the car schedule.

1:37:11

And then you've got rivage construction, which is relevant rep 1319, which you've referred to in the CAA schedule as right bridge autos. However, their submission to us is that they're fully behind the expansion of the airport. And there is no mention of any concern about land acquisition. So again, I'm not sure why they appear to schedule.

1:37:36

Steven Walker for the applicant. Hi, I think the CAA shedule will be updated and they will be removed. But they were they were initially herein because of their rights of access to the premises being potentially impacted by highway works of the project.

1:38:00

Just one last point with regards to Ci schedule, when you're updating it, you will need to check the plot numbers that you use. I haven't referred to them now because they've people involved a not actually here. But there seems to be quite a lot of errors between what was in the book of reference, and what is down as the CA schedule in terms of who owns what and what interests there are. So the to do need to tally, because obviously you are talking about the acquisition of land here. So when you do do your checks, if you could just check the plot numbers are correct, I will be eternally grateful. So before we go through a break, I'm just going to ask whether there are any other effective persons who want to raise anything with regards to the acquisition of their land in terms of section 122123.

1:38:57

No,

1:38:58

in which case, I'm going to pass to my colleague Mr. Robinson to adjourn.

1:39:03

Thank you, Mr. Allen. The time is currently 21 minutes to form and we will take a break and resume at 10 to four. Thank you