



## Hearing Transcript

<b>Project:</b>	Gatwick Airport Northern Runway
<b>Hearing:</b>	Recording of Compulsory Acquisition Hearing 2 (CAH2) - Part 1
<b>Date:</b>	30 July 2024

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## **Gatwick\_30th July\_CAH2\_PT1**

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FULL TRANSCRIPT (with timecode)

00:00:05:07 - 00:00:05:26

Morning.

00:00:06:22 - 00:00:08:29

Can everyone hear me clearly?

00:00:10:19 - 00:00:17:06

Thank you. And can I confirm that the live streaming of this event has commenced? Please.

00:00:20:22 - 00:00:47:15

Thank you. It is now 930. And welcome to the second compulsory acquisition hearing in relation to the application made by Gatwick Airport Limited, who we will refer to as the applicant for an order granting development consent for the Gatwick Airport Northern runway project, which will be referred to as the proposed development.

00:00:49:20 - 00:01:20:05

As described in the application form. The application seeks powers to enable dual runway operations at Gatwick Airport through altering the existing northern runway, lifting restrictions on the northern runways use and delivering the upgrades or additional facilities and infrastructure required to increase the passenger throughput capacity of the airport. This includes substantial upgrade works to certain surface access routes, which leads to the airport.

00:01:22:17 - 00:01:33:28

My name is Doctor Philip Brewer. I have a PhD in applied acoustics and am a member of the Institute of Acoustics. I will be chairing this hearing and making some introductory comments.

00:01:35:14 - 00:01:38:21

Can I ask my colleagues to introduce themselves, please?

00:01:39:22 - 00:01:48:10

Good morning. My name is Helen Cassini. I'm a chartered town planner and member of the Rural Town Planning Institute, and I'll be asking the majority of the questions today.

00:01:49:20 - 00:01:58:14

Good morning. My name is Kevin Gleason. I'm a town planner, a member of the Royal Town Planning Institute, and the lead member of the panel appointed to examine this application.

00:01:59:16 - 00:02:04:25

Good morning everybody. My name is John Hockley. I'm also a chartered town planner and a member of the Royal Town Planning Institute.

00:02:07:16 - 00:02:13:26

Good morning everyone. My name is Neil Humphrey. I'm a chartered civil engineer and a fellow of the Institution of Civil Engineers.

00:02:16:27 - 00:02:17:15

Thank you.

00:02:19:03 - 00:02:47:10

We have all been appointed by the Secretary of State to be members of this panel, and we constitute the Examining authority, or exa this application. We will be reporting to the Secretary of State for transport as to whether the Development Consent Order should be made. For those here in person. You may have met Jake Stevens, who is a planning inspector at Case Manager. In addition, today there is Rebecca Evans on the case team.

00:02:49:09 - 00:03:03:23

If you have any questions about the examination process or the technology we are using, the case team should be your first point of contact. Before we consider the items on the agenda, there are a few housekeeping matters we need to deal with.

00:03:06:22 - 00:03:27:01

So firstly as that was very well timed. Can everyone please set all devices and phones to silent? Thank you for that, sir. uh, intervention. Um, there were no fire alarm tests or drills today, so in the event of a fire alarm, please exit via the five exits either side of this room.

00:03:28:19 - 00:04:12:21

Toilets are located on this floor and on the ground floor. I'm informed that car parking charges will not apply to those attending this meeting. Any issues? Either speak to the hotel reception or the case team. Also, when using the desk based microphones, please speak into the microphone as best you can. In addition to this in-person event, this hearing is taking place on the Microsoft Teams platform and is being both live streamed and recorded. For those joining online, please switch cameras and microphones off when you're listening to the discussion, should you wish to ask a question, please use the Microsoft Teams hand function and when invited, please turn your microphone and camera on.

00:04:12:29 - 00:04:31:03

Please be advised that the chat function on Microsoft Teams is disabled and cannot be used. If we need to adjourn, including for breaks, we have to stop the live stream. When we resume the hearing and restart the live stream, you will need to refresh your browser page to view the restarted stream.

00:04:34:03 - 00:05:03:04

The recordings we make are retained and published, and form a public record that can contain your personal information and to which the General Data Protection Regulation applies. The planning Inspectorate's practice is to retain and publish recordings for a period of five years from the Secretary of State's decision. If you take part in today's hearing, it's important that you understand that you will be live streamed and recorded and that the recording will be published. If you don't want your image to be recorded, you can switch off your camera.

00:05:04:29 - 00:05:38:24

If any individual or group wishes to use social media, report, film or record during today's meeting or any subsequent hearing, then they are free to do so that please do so responsibly and with proper consideration for other parties. This must not be disruptive and the material must not be misused. The only official record of the proceedings is the recording, which will be uploaded onto the planning Inspectorate's website as soon as possible after the hearing. Tweets, blogs and similar communications arising out of this hearing will not be accepted as evidence in the examination of this application.

00:05:41:00 - 00:06:06:20

The hearing today will be based on structured questioning led by the ECA having regard to the published agenda. When answering a question by referencing a document already submitted. Please give the examination lively reference if you're referring to information yet to be submitted in the examination. Please make this clear. Additionally, the first time you use an abbreviation or an acronym, can you give the full title to enable everyone to understand your contribution?

00:06:08:22 - 00:06:37:01

If we required if if required, we will look to take a break sometime about 11:00 for about 15 minutes and need to close the hearing no later than 1:00 as we have issue specific hearing nine starting at 2:00. The ECA has a list of those persons present today who wish to speak in relation to the various agenda items, and we note everyone who gave advance notice of wishing to attend is present.

00:06:39:20 - 00:07:02:10

It is not our intention to do full introductions at this point. However, for the purposes of identification and for the benefit of those who may be watching the recording later, those intended to speak are asked to state their name and who they represent. Additionally, please again give your name and any organization you're representing every time you're invited to speak during the hearing. I would now like to turn to the agenda for this hearing.

00:07:04:28 - 00:07:10:13

The agenda was published and placed on the Planning Inspectorate website on the 22nd of July, 2024.

00:07:11:28 - 00:07:43:10

We will seek to allocate sufficient time to each issue to allow proper consideration of it. We'll conclude the hearing as soon as all relevant contributions have been made, and all questions asked and responded to. It may be necessary to prioritize matters and and defer other matters to written questions in the event that discussions are incomplete or take longer than planned. It is important that we get the right answers to the questions we're going to ask. Therefore, if you cannot answer the questions that are being asked or require time to get the information requested, then rather than giving a restricted or potentially wrong answer.

00:07:43:27 - 00:07:48:04

For the smooth running of the examination, can you please indicate that you need to respond in writing?

00:07:49:23 - 00:07:54:06

And we can then defer the question to the next round of written questions or later hearing.

00:07:56:06 - 00:08:02:01

As previously noted, the examination is predominantly a written process, supplemented when necessary by hearings.

00:08:04:04 - 00:08:33:12

To conclude each item, the EXR will generally invite the applicant to make any final comments they have on the web citations made during the discussions. Finally, this is a hearing and listening inquiry and therefore there will be no formal presentation of cases or cross questioning of other parties at such. As such, any questions that you may have other parties needed to be asked through the ECA. EXR. This approach is set out in section 94 of Planning Act 2008.

00:08:35:22 - 00:08:42:28

I would now like to move to agenda item two on the agenda, and we'll pass to Ms.. Cassini to take us through the next agenda items. Thank you.

00:08:44:00 - 00:09:09:10

Thank you, Doctor Brewer. The main purpose of this hearing is for the ECA to examine the applicant's case for compulsory acquisition and our temporary procession, and to invite affected persons and the applicant to make oral representations about those matters. This hearing will help us to consider whether the relevant legal and policy tests applicable to compulsory acquisition and temporary possession proposals have been met.

00:09:10:25 - 00:09:41:07

I'd 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 at length something that has already been submitted. As I mentioned at the previous CCA hearing, we are aware that commercial negotiations are still ongoing between affected persons and the applicant, and that these are confidential in nature. This is not the correct forum in which to discuss financial issues, so please do not disclose any confidential financial.

00:09:41:09 - 00:09:48:18

Financial matters during this hearing. Does anyone have any questions about the purpose of today's hearing?

00:09:50:16 - 00:10:23:09

No thank you. So we'll move on to agenda item three. Um, I'm going to turn straight to the applicant. Um, so 3.1 um, aware that at deadline seven, the latest version of the land rights tracker was submitted into the examination, which has examination library reference rep 765. However, I'd like to

begin by asking the applicant if any significant updates have been made since the submission of the tracker.

00:10:26:20 - 00:11:00:08

Uh, Scott Linus for the applicant. Good morning. I think the main addition that would need to be made is that, as you'll hear very shortly, in principle, agreement has been reached with Marathon Asset Management. We can come to that in due course. That's the most material update. But by way of general overview, um, I can say that, uh, the current position is that we've now agreed heads of terms. Uh, memorandum of understanding or completed agreements with eight landowners or groups of landowners.

00:11:00:10 - 00:11:28:23

When you look at the land at tracker, um, we've made significant progress and are finalizing heads of terms, uh, with nine other parties, and we're continuing to associate terms with, um, six other parties. And we haven't received responses from five others. We can put all this into the note of today's hearing, identifying the relevant parties that fall within those numbers. But that's where we currently are by way of overview.

00:11:29:03 - 00:11:42:01

Thank you. That's really useful. Could I just ask, have you managed to have any further contact with Reigate and Banstead Borough Council in respect of heads of terms? As I note that um, communication has been quite limited to date.

00:11:43:08 - 00:11:49:16

Natasha Hyde for the applicant. Yes. They've now been in touch with us and we are starting to make progress.

00:11:50:07 - 00:12:05:29

Great. Thank you very much. Um, does anybody else have any comments? Just on the things that have been said, because we are going to move on to specifics, but does anybody wish to comment on anything that the applicant has said before? We move on to agenda item 3.2.

00:12:08:14 - 00:12:54:28

Nope. Okay, so move on to agenda item 3.2. So I've noted the various responses to examination questions um, answered by the applicant, particularly EXC one, CA 1.9 and 1.10, which is rep 387, which looks at the scope and purposes of CCA powers. However, I'm also aware of several submissions by various parties stating that the proposed land take by the applicant is not proportionate, and I would like to receive an update from those parties and other parties that I have listed who've made comments are about proportionality.

00:12:55:00 - 00:13:24:03

Are they joint local authorities, Gatwick Green, Marathon Asset Airport, Industrial Property Unit trusts and National highways. Now unless I'm wrong, National Highways and Airport Property, Airport Industrial Property Unit Trust are not here today. Um, so I'd like to hear from the joint local authorities, marathon assets and Gatwick Green Limited in that order, please. So if I start with you, Mr. Bedford, please.

00:13:25:06 - 00:13:56:06

Thank you, Madam Michael Bedford, for the joint local authorities. Um, madam, the position is, uh, simply in relation to the land, which is highway land. That's to say vested in a highway authority at the moment. Um, and there we certainly welcome the principle of what the applicant has proposed in their rep.

00:13:56:09 - 00:14:27:20

Uh, seven um, zero 80 response to the SSC to CA 2.4 of seeking. uh to create, as it were, a new category, uh, for compulsory acquisition and temporary possession where the Greenland, if I call it that um is now proposed where there will be temporary possession taken to enable the works on highway land to be undertaken.

00:14:27:22 - 00:14:51:27

But the applicant is restricting, uh, compulsory acquisition to rights only and not to land uh, in order to enable it to create whatever rights may be necessary to give to statutory undertakers or utilities in relation to their equipment. That in principle we accept is a helpful way forward.

00:14:53:14 - 00:15:13:26

Um, but, uh, it's, um, the translation of that approach to, uh, the plots within the scheme where we think that there is still some more work to be done. Uh, and you will be aware that, um, there is.

00:15:17:29 - 00:15:49:24

As submitted in rep seven zero 16, which are the updated land plans? The green plots are now identified, but they don't include all of the highway land. Uh, where? Um, uh, the two local highway authorities have interests. Uh, and the applicant has explained, as it were, their approach.

00:15:50:13 - 00:16:31:10

Uh, as, um, part of their response to your, uh, x uh, to CA 2.4, uh, and essentially, as I understand it, um, the green, um, uh, land is where land is currently, um, designated as either strategic road network or as local road network, is vested in a highway authority, or in some instances is vested in the applicant, and at the end of the exercise will continue to be designated as highway.

00:16:33:10 - 00:17:03:03

But what the applicant has continued to do is to seek full compulsory acquisition power as a pink land, uh, in relation to land which is currently highway. It's expected will continue to be highway, but there might be a transfer between one highway authority and another in relation to that land.

00:17:06:05 - 00:17:07:15

Now, um,

00:17:09:11 - 00:17:41:07

we we think that that needs some further thought, because the way we see it is there are effectively three highway authorities in play. Uh, in this, uh, examination, there is National highways in relation to the strategic, uh, road network. Uh, there is Surrey County Council in relation to local highways

within Surrey, and there is West Sussex County Council in relation to the highways within West Sussex.

00:17:42:06 - 00:18:00:00

And you will be aware that if a highway land is vested in a highway authority, that carries with it a repair and maintenance liability, which is perpetual and also the subject of legal duties.

00:18:02:08 - 00:18:12:18

Um, and the position that the applicant, uh, has adopted at the moment is to give protective provisions to national highways

00:18:14:17 - 00:18:28:06

so that compulsory acquisition powers can't be exercised against National highways without their consent. The applicant is not proposing to take the same approach with the two local highway authorities.

00:18:30:06 - 00:18:39:25

and nor at the moment is there a confirmed position in relation to a side agreement which is sometimes used to deal with these sort of issues?

00:18:43:01 - 00:19:18:11

Now, so far as land that is to be transferred between one highway authority and another highway authority, we would normally expect that both, as it were, the Giving Highway Authority and the receiving highway authority would consent to that transfer. And that's particularly important with the receiving highway authority, because it is taking a maintenance liability and statutory duties to repair and maintain the highway in relation to whatever is vested in it through such a transfer arrangement.

00:19:20:03 - 00:19:35:08

Now, in relation to the pink land, what the applicant is envisaging is that it will have compulsory acquisition powers to enable it to take, uh, land which is presently highway.

00:19:37:24 - 00:19:39:08

Into itself.

00:19:41:23 - 00:19:47:12

And then we'll seek to vest it in another party.

00:19:50:09 - 00:20:26:25

Which means our land will be taken from one higher authority, but not directly given to the other highway authority. It goes through the intermediary of the applicant. At the moment, we think that there is an imbalance because, as I say, the protective provisions allow National highways to exercise effectively a veto if things are happening, which they don't, uh, see as being appropriate. The local highway authorities don't at the moment have the same arrangements, uh, as to how one deals with the problem.

00:20:27:15 - 00:20:46:23



We're less prescriptive. We do think that it may be that one simply extends the areas of the Greenland, so that the Greenland approach is applied to all land, which is presently highway, and which it's expected will continue to be highway.

00:20:48:21 - 00:21:21:06

And that one relies on the fact that the, as it were, the giving highway authority and the receiving highway authority will have to reach an agreement between themselves as to the terms of any transfer. And that is effectively an established arrangement that you can rely on. And in the event that there was any disagreement about that, obviously the arbitration provisions in I think article 54 would eventually enable that to be resolved. So you wouldn't ultimately end up with an impasse. So that's one way of dealing with the matter.

00:21:21:08 - 00:21:54:00

The other way of dealing with the matter is for the applicant to give the local highway authorities the same or similar protective provisions to those that National highways enjoys, so that, again, the local highway authorities have the ability uh, to, uh, give their consent or not give their consent in relation to any such transfers. And obviously, again, the arbitration provisions would apply in the event of a dispute. So I say it's it's perhaps not the most important of the issues that you've got to grapple with within the examination.

00:21:54:02 - 00:22:25:29

But we just think that at the moment there's an imbalance in the approach. We don't think that the applicant is correctly, at the moment, justified. Uh, the distinction between the approach taken to national highways and the approach taken for local highway authorities. And we do think that the taking of land from the highway authorities and the potential imposition of land on the local highway authorities is disproportionate, and that we would therefore welcome some further progress by the applicant to address those concerns.

00:22:26:11 - 00:22:26:26

Thank you.

00:22:26:28 - 00:22:42:04

Madam. Thank you. Can I just ask you one question? Um, of the two kind of solutions you gave that do, the, um, local highway authorities have any preference over which would be most suitable?

00:22:43:05 - 00:23:06:10

I think we think that in principle, the green land, uh, solution appears to be a satisfactory solution. And so we would see that that would be the easiest way to simply extend the Greenland solution. If if there were some technical reasons why that's not appropriate, then I say the default for us would be protective provisions.

00:23:07:22 - 00:23:20:14

Thank you. I will turn to the applicant. What I'm going to do is I'm going to go through everybody and then ask for your comments at the end. Could I thank you, Mr. Bedford? Could I hear from marathon Assets next, please? Yes. Good.

00:23:20:25 - 00:23:54:07

Good morning, madam Rebecca Clifton for Marathon Asset Management. Madam, as you've already heard from Mr. Linus this morning, the position has moved on slightly or rather a lot between, uh, gal and Marathon. In terms of excessive land take. That was an issue that was obviously raised in our submissions, but we have now agreed a mechanism in our heads of terms that would address our concerns, provided that that progresses to a formal legal agreement. I wonder if now is a useful time for me just to set out where we've got to, or whether you'd rather wait for that.

00:23:54:20 - 00:24:04:17

Um, I am aware that there is quite a lot of overlap, so if you're happy to do that now and then, it stops you having to kind of repeat yourself, if that's acceptable, I.

00:24:04:19 - 00:24:36:24

Think so, okay. Thank you madam. The well, the position is obviously we've as you know, we've been engaged in discussions regarding a commercial agreement to address the matters that we identified in our representations, uh, over the last few months. And I'm pleased to be able to say that we have now, um, reached agreed heads of terms. It's anticipated that the commercial agreement will be concluded in line with those heads of terms in the coming weeks and prior to the close of the examination. And as a consequence of that.

00:24:37:04 - 00:25:13:13

What our intention is, is that when an agreement is reached for the full legal agreement, we will submit written confirmation of the withdrawal of our representations. Once that stage is reached in the we think unlikely event, that agreement is not reached prior to the end of the examination. We obviously reserve our right to make further submissions, including the provision of protective provisions and any supporting justification for that to supplement the representations we've already made. But given that both parties are committed to concluding that formal agreement based on the heads of terms that we've agreed.

00:25:13:23 - 00:25:16:09

I'm hopeful that that won't be necessary.

00:25:17:29 - 00:25:26:20

Thanks for the update. Um, I believe Gatwick Green Limited. Uh, joining us virtually. So if you'd like to turn your camera and microphone on, please.

00:25:28:23 - 00:26:05:05

Good morning, ma'am. Uh, Kurt McDermott of um, Savills. Um, acting on behalf of Gatwick Green. Um, uh, not wishing to repeat the points we've raised in our representation, I'm also mindful that both Mr. Bedford and Mrs. Clayton have put forward points that very much echo our own. Um. We too are at advanced stages of reaching an agreement with the applicant. Um, are our concerns still remains. Um, in respect of what we consider to be an excessive acquisition of land contained within plot 4.4.

00:26:05:07 - 00:26:37:16

Sorry 4.4344463, and in particular the north west corner of that plot. Um, we are very hopeful that an agreement can be reached with the applicant, but our issue remains that, um, it is negotiations between

the applicant and National highways that are that we are not party to, that are causing some concern. This is in particular with regards to the design of the balancing pond. Um, to be clear, we believe that we have a solution and have been fair and compromising in our approach.

00:26:37:24 - 00:27:08:15

Um, giving consideration to the extension of that balancing pond to the east. But as we have set out quite clear in our representation, this particular point, um, and this pinch point here within this plot is, um, a main access point into what we are anticipating will be a major development opportunity in the future. And so our key concerns are to ensure that that is not impacted going forward. Uh, that is I believe I need to say on that matter.

00:27:08:22 - 00:27:50:28

Um, Sally, uh, miss Sally Fish of Gatwick Green would like to comment further on this particular location because there are some issues that we believe should be brought to your attention with regards to the footpath. Um, I suggest that, um, you know, much the same way as Mrs. Clayton has set out, that if if we are unable to reach an agreement which we anticipate that we will, that we or in the event that we are not, we would reserve the right to make further representations. But we are again imploring and are seeking the assistance of AXA here to help us deliver a solution to this balancing pond between two parties, of which we have no communications with.

00:27:51:06 - 00:27:56:08

Um, and so, you know, as much as can be done to deliver that, the better. Thank you.

00:27:57:10 - 00:28:01:26

Thank you. Uh, Mr. Fish, would you like to make your representations now?

00:28:05:14 - 00:28:39:13

Uh, Thank you, madam Sally fish for Gatwick green. Um, it's just a very simple point, really. Um, that, um, as Kirk has mentioned in plot for six three, there is a pinch point and there is a public footpath which runs across it, and the applicant is asking us to grant them rights to take vehicles along that footpath. Um, there is nothing that we can see in their submissions which changes that footpath into a byway.

00:28:39:26 - 00:28:52:19

And in this particular instance, we're being asked to grant rights over something which we physically cannot do. Very short point. Um, and we will confirm it in writing to you with a plan showing the issue.

00:28:53:29 - 00:28:55:20

Thank you very much. Thank you.

00:28:57:05 - 00:29:10:28

I don't think there's anybody else who wanted to talk on this agenda item before I turn to the applicant. Can't see any hands up. So if I turn to the applicant for your response, just to like.

00:29:17:21 - 00:29:48:15

Thank you, ma'am. Scott. As for the applicant, I did with the Glaze Highway Authority issues raised by Mr. Bradford. Uh, insofar as, um, at the outset of his submissions, there was a reference to translating the plot into the green shading, as I understand that we've been doing that based on the best information we have available. If there are any outstanding issues as far as that process is concerned, we're more than happy to listen to you. I have to say, um, about that.

00:29:48:19 - 00:30:24:19

As far as identifying the Greenland, um, uh, is concerned. As for the, uh, more substantive point about the approach to be taken, um, uh, to address the concerns that Mr. Bedford has, uh, has set out, um, the approach that we've taken is that effectively the protection given to the highway authorities within the scope of the order as it stands. Article 21 prohibits the applicant from commencing local highway works until it's entered into an agreement with the relevant local highway authority.

00:30:24:28 - 00:31:00:20

And the scope of that agreement is set out in article 21. And that reflects the template of section two 7/8 from Surrey and West Sussex, with updates to reflect the DCU context. So, in short, we have to seek the approval from the Highway Authority prior to carrying out any such works that require the use of compulsory acquisition powers over over the local highway. So although that is as drafted slightly different to the way um and it National highways is addressed, we say there's effectively a form of protection given to the local highway authorities already.

00:31:01:03 - 00:31:32:14

So that was our position as we set it out. Uh, previously, um, we weren't aware of any sort of particular response to that position from the JLR. Now that we've heard Mister, um, Bedford's submissions, we can take that away, I think. The the main point is that we're not trying to cause any particular prejudice. We just need to work out the best way to ensure there isn't any impediment to the delivery of the delivery of the scheme. But now that we've heard the options that have been set up by Mr.

00:31:32:16 - 00:31:45:01

Bedford and their preference, we can take that away. We understand the objective that's trying to be achieved. We're not quite convinced that article 21 doesn't do the job, but we will take that away and reflect on it.

00:31:45:03 - 00:31:52:07

Is there any reason that you can give today why either of those two solutions that Mr. Bedford has offered wouldn't be feasible?

00:31:53:18 - 00:31:55:22

Yes. Yes.

00:31:56:07 - 00:32:31:27

Uh, Scott Leonard, for the applicant, I think bearing in mind we need to, as an applicant, ensure we don't have an impediment delivery of the scheme. It's the relationship between the local highway authorities and national highways needs to be worked out because, for example, the option of simply leaving it to Greenland and then letting these matters be resolved between the highways authorities

themselves. We just need to think that through as to whether or not that's an acceptable way for us to let that proceed without further provision being made. We just we just need to reflect on whether the mechanics would operate in a uh, satisfactorily for us.

00:32:32:02 - 00:32:34:21

Uh, albeit we aren't. We understand the point that's being made.

00:32:34:26 - 00:32:39:16

And that's fine. But for the next deadline, can you make sure that

00:32:41:15 - 00:32:55:00

I suppose a decision has been made as to which, if possible, as to which way you're going with this? Because although Mr. Bedford, you said it is a small issue, it is obviously an issue which I do would like resolved before the close of examination.

00:32:55:15 - 00:33:09:16

Scotland? Yes, we'll do that. I mean, I think this is today's today is the time when we've sort of heard about these different options. So we all need to reflect on and protect our position. But we will we will do that and express our position as best as we can by by deadline it.

00:33:12:06 - 00:33:44:23

For Marathon Asset Management. Uh, ma'am, I don't really have anything to uh, to add. Uh, apart from to confirm that, um, what Mr. Clayton has set out accurately reflects the the position of the parties. We don't anticipate that there'll be a need for any proposed protective provisions to be suggested, a deadline yet. And the highly unlikely event that that's done will respond to that. But we we don't think it's going to happen. Um, as for Gatwick, uh, as for Gatwick, uh, green,

00:33:46:13 - 00:34:16:18

um, our understanding of the latest position is that matters have progressed well towards an agreement. Um, the outstanding points are on, uh, details. Um, you'll recall from the first, um, compulsory acquisition hearing that Gatwick Green requested that um National Highways be encouraged to effectively agree terms with the applicant, and this is essentially happened and allowed for agreement to be reached in principle.

00:34:16:20 - 00:34:29:26

So the major point that was raised that the first compulsory acquisition hearing has been, um, has been addressed. As for um, the other points that have been raised of Darren, can you pick up on this?

00:34:31:23 - 00:35:17:16

Uh, Darren Atkins for the applicant. So just in relation to the justification for the land taken in plot four, four, six, three. So, uh, that land plot that's required in relation to work number 35, which is the surface access works associated with central and roundabout and M23 spur. Uh, so the right of access sort is in relation to ensuring continuity of maintenance access around the perimeter of that existing pond for National highways. Uh, that pond, uh, it may need to be modified as part of the works. So effectively we just need to ensure that there isn't any impediment to ensuring that national highways can get around the full perimeter of that pond for their maintenance access requirements, and then that

the final nature of that physical maintenance access provision, uh, that will be confirmed at the detailed design stage in consultation with National Highways.

00:35:19:12 - 00:35:21:16

And the footpath issue.

00:35:23:01 - 00:35:46:03

Uh, the, uh, sorry, Darren Hopkins for the applicant. So the nature of the maintenance access requirements, uh, some of those maintenance access, um, requirements would potentially be by default. So it's ensuring that you can physically get from the, uh, plot in question, which is not under National Highways control onto the public right of way, and then you will get that continuity of maintenance access.

00:35:47:28 - 00:36:19:11

Okay. I think green are kind of court sorry. Feel that the court kind of in the middle insofar as they're not being privy to some of the discussions going on with yourself and, uh, National Highways. Is there any chance that you can kind of have like tri try out like all of them are involved? Because I think I think it would be the right thing to do and you'd receive. Well, I think this issue will be resolved if all three parties could talk, is what I'm rambling on about, really, Scott?

00:36:20:00 - 00:36:36:12

Not rambling at all. Um, um, putting the point, uh, very clearly, as always, I think Scotland is for the applicant. Um, we understand the point and we can result in the ongoing discussions with Gatwick Green. Just make sure that is settled. So point taken. We will do that. Thank you.

00:36:37:01 - 00:37:07:27

Thank you. Um, I do have some questions for yourselves. Um, I'll ask questions of the applicant. And then at the end, if anybody does wish to have further comment, that will be fine. Um, obviously we've been talking about proportionality, um, in relation to the land being required to facilitate the proposed development. Having worked through both the works and land plans in some detail. I do have a couple of questions regarding why some of the land is being sought.

00:37:08:08 - 00:37:35:26

Um, as you mentioned, and as 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 the book of reference, the land plans you are seeking to acquire a lot of land which you already own or have rights over and seeing as compulsory acquisition should be the last resort. Can I ask why? Therefore you are seeking to acquire land you already own or have rights over? Please.

00:37:47:05 - 00:37:47:20

Yes.

00:37:48:02 - 00:38:19:05

Scotland is for the applicant. Um, the basic reason for doing this, ma'am, is that it's a complex land arrangement. Um, at the airport, it's important that we effectively ensure that we have a clean basis upon which to implement, um, the order. Uh, we need to make sure that there are, effectively clean

rates provided to us. And so far as any of those land plots, um, have potentially unidentified interests, that they aren't going to involve any impediment to the scheme.

00:38:19:07 - 00:38:30:14

So, as I said, it's largely due to the complex nature of the land arrangements on the site. And to make sure that we have effectively clean, entirely clean title and be confident in the delivery of the project on that basis.

00:38:31:18 - 00:38:45:20

I am aware that that is a almost standard approach in terms of large scale development, but I how does that approach meet? The required test? Is you only meant to take land, which is essential to enable the development to go ahead.

00:38:46:09 - 00:39:10:09

Scotland. As for the applicant, we would say it is essential because insofar as those plots may be regarded as having potential risk of their being unidentified interests, it's essential that we require them in order to make sure we can wipe the title clean of those interests. So we don't. We would take the view that it's essential to acquire the land in order to achieve that objective.

00:39:12:19 - 00:39:52:25

Thank you. At the last DCO hearing held in June, Mr. Gleason asked why the red line boundary was drawn so tightly around the eastern edge of work number 43, and that there's a much bigger boundary to the west of the works. I'm not sure we got a response, um, to that question. And the same issue applies to works number 41. Um, in respect of Pentagon field, if you have responded to that point, could you signpost me as to where that response is or if not, can you just provide it?

00:39:53:14 - 00:40:04:08

Uh, Scott, for the, uh, applicant, um, we'll take that away as an action. Uh, ma'am, and I do provide that confirmation or answer the questions and the action itself.

00:40:04:27 - 00:40:18:23

Thank you. Um, moving on to the proposed project change number five. Um, just for background, for anybody that isn't aware, a letter was submitted into the examination on the 18th of July of this year. Um, my understanding,

00:40:20:22 - 00:40:23:28

actually, I don't need to ask this then. Sorry. Thinking out loud.

00:40:25:29 - 00:40:36:03

Sorry for those. Um, the project change relates to marathon assets and Holiday Inn, but if you've recent. So in terms of will you be confirming that that project change.

00:40:37:20 - 00:40:41:18

In Scotland if we still wanted mum. Yes.

00:40:42:15 - 00:40:43:11

So

00:40:45:06 - 00:40:56:28

in terms of the letter, there were the additional land interests that you identified through further land referencing.

00:40:58:21 - 00:41:00:16

And because of that.

00:41:02:24 - 00:41:07:13

The consent had not been granted from those interests. Is that still the case?

00:41:16:20 - 00:41:48:28

Scotland is the applicant. Um, yes, that still is the case. The position is set out in the letter. Was that consent hadn't been obtained from those additional land interests, so that section one, two, three, three of the 2008 act couldn't be satisfied. So we weren't seeking compulsory acquisition powers with the additional land. But we didn't think that not including those powers presented an impediment to the delivery of the, uh works. Um, consent for the inclusion had been obtained from the freeholder.

00:41:49:00 - 00:42:15:15

Leaseholder to the land for his benefit. The change of being promoted. And as for the other third party land and trust, we don't think we don't think there'd be a nature that would represent an impediment to agreement being, uh, being reached. No, it's not her. She's on leave. So we still want to pursue that, um, change. But we don't think that the absence of agreement at this stage should be regarded as an impediment to the delivery of the scheme.

00:42:15:27 - 00:42:30:04

So the new position is that you're no longer seeking. Is this correct? Seeking CCA powers over the additional land. Is that. That's correct? That is correct. And but you're still proposing to extend the order limits and include the additional land Scotland.

00:42:30:19 - 00:42:31:09

That's correct. Ma'am.

00:42:32:21 - 00:42:41:16

In terms of the additional land interests, why are you not seeking to reach agreement with them to include core powers?

00:42:45:12 - 00:43:07:29

Yes. Um, Scotland is for the applicant as far as the other landowners are concerned, uh, there is, uh, sorry, County Council is a man party. We do not think that the need for their agreement is an impediment, because we are required to seek their consent as highway authority. In any event under article 21. So the position doesn't. The position doesn't change.

00:43:08:01 - 00:43:19:14



Okay. Thank you, I understand. Um, the third change application report, which is 797. Can you update that at deadline eight, please?

00:43:21:11 - 00:43:22:24

Scotland? Yes, ma'am.

00:43:23:25 - 00:44:08:09

Thank you. Um, moving on to article 27 B of the draft DCO. Um, I've noted that both National Highways and Gatwick Grain have commented, I think, a few times on this article, just for information purposes. Article 27 B states the undertaker may use land so acquired for the purposes authorized by this order, or for any other purposes in connection with or ancillary to the undertaking, specifically in respect of works number 35, what the wording of article 27 B allow Gatwick to use the land acquired from Gatwick Grain Limited for other purposes besides landscaping.

00:44:26:18 - 00:44:57:19

Scott Linus for the applicant based purely on the drafting of that provision, ma'am. Uh, yes, because the power is wider. But the implementation of the project will still be subject to general arrangement plans. Other controls that would apply effectively to secure the landscaping on that on that area of land. So although technically article 27 B grants wider powers, there are other provisions which would effectively restrict what can be done on that plot.

00:44:58:19 - 00:45:08:13

So is article 27 B totally necessary in respect of complying with guidance? That core powers should be limited to what is necessary?

00:45:09:14 - 00:45:12:19

Yes. Specific provision for snow

00:45:14:05 - 00:45:14:29

covered fireworks.

00:45:18:21 - 00:45:50:11

Yes. Scott Linos for the applicant. Yes. We said it remains necessary. There is a limitation within article 20 71B already, which is, um. Any purposes in connection with the ancillary undertaking? Um, uh, effectively is qualified by the fact that any land so required, it must be for the purposes authorized by the order in any event. Um, plus, um, even though there are other controls pursuant to the the order, including the general arrangement plans and so on.

00:45:50:16 - 00:46:26:09

It's important that any compulsory acquisition makes provision for the need to carry out purposes with around celery to the undertaking, which is effectively a normal approach in the drafting of such provisions to ensure that there is a sufficient degree of flexibility in the delivery of the project that underlies the compulsory acquisition. So, um, the requirement to, uh, effectively carry out the use of land ancillary to the undertaking, there is a limitation within article 27 won't be as to how far that can go.

00:46:26:11 - 00:46:32:26

And it's necessary to preserve that flexibility because it's required in order to ensure the effective implementation of the scheme.

00:46:34:08 - 00:47:00:27

Thank you. I think it is an outstanding issue for Gatwick Green. So perhaps when you have further communications with Gatwick Green, that may be if I could suggest a topic for further discussion. I do understand their concerns because on paper it does look as if you could use that land for for anything. Maybe an explanation of the other controls in place would be beneficial.

00:47:00:29 - 00:47:17:05

Yes, Scotland is for the applicant. As we said, we'll speak to Gatwick. Grain may be a case of explaining the overall range of controls that are going to be applied to that land within the wider context, the DCU. So that is clear what controls are going to be applied there in any event. Okay.

00:47:17:13 - 00:47:58:26

Thank you. Um, as a final point, I'm aware that both, um, final versions of both a book of reference and land rights trackers will be submitted, uh, at the close of the examination. However, in order to help me, it would be very helpful at deadline nine if you could also submit a new document, which I've referred to as a. It's a status of negotiations document. You kind of already alluded to it, Mr. Linus, this morning when you gave me a list of how many agreements had been reached, um, it would be very beneficial for the Acsa to have a general summary document which details a number of options, etc.,

00:47:58:28 - 00:48:32:25

etc., in terms of what the content of that document would look like. Could I ask you to look at the Portishead branch line schedule? They have a similar document. It is still available in their examination library. And that reference. So this is not the reference for this library hours. It's for theirs is rep 763. If you do have any issues accessing that, could I ask you to speak to the case team in the first instance, please?

00:48:34:24 - 00:48:37:09

Does anybody else have anything?

00:48:40:00 - 00:48:47:01

Could could I just ask you to get a microphone I think one of my colleagues or. Yeah. Sit at the table.

00:48:48:21 - 00:48:51:15

If you could just reintroduce yourself for the recording, Mr. Tanner.

00:48:54:09 - 00:48:56:15

Red button. Press the button. It'll go red.

00:48:57:14 - 00:49:27:25

Sure. Nigel Tanner, resident. As an observation, I'm extremely concerned by the vagueness of the applicant's approaches. That across the board, you're not getting answers as an examination authority.

We're being referred later and later, and now we're at deadline nine for what should have been a concrete plan agreed with the relevant parties at the beginning.

00:49:27:27 - 00:50:06:15

And it seems to me there's an exercise that's going on of kind of symbolically moving towards getting this proposal put to the Secretary of State, which is in fact, truly totally undefined. And that is across the board. And it's not acceptable. And I urge the examination authority to reject the proposal and tell the applicant to go back and start again with a firm approach that can be fairly appraised by all the interested parties, because the conduct I see is not acceptable.

00:50:07:25 - 00:50:41:21

Thank you, Mr. Tanner. If you just want to press the button again, this is a thank you for your comments. This is a compulsory acquisition hearing, but I do take on board your comments. And I today have been asking the questions. So far. I have received what I consider acceptable answers. If I hadn't today, I would have been asking questions. I think your point perhaps is a wider issue. Um, which is fine if you want to put that in writing, that's fine. But please be assured, if I'm not getting the answers to the questions I need today, I will risk them.

00:50:42:02 - 00:50:59:16

And there are instances where all parties have to go and provide answers in writing, and that's fine. We do say that at the beginning, but I take on board your comments. Is there anything in particular that I've asked today that you think hasn't specifically been answered?

00:51:00:03 - 00:51:17:07

I think there's quite a lot that you're asking for. Firm information by deadline nine, and the applicant is being totally vague about what authority they want and why they want it. And I don't think you're getting answers.

00:51:18:00 - 00:51:32:06

Thank you, Mr. Tanner. I do take on board your comments, and if you'd like to put that, um, into writing, would be grateful. Is there anybody else who wishes to comment? I think Mr. Aslan Robinson has your hand up online.

00:51:32:09 - 00:52:07:07

Yes. Thank you very much. And good morning, ma'am. This is, uh, Josh Aspen Robinson, representing the Aurora Group. I'd just like to start by saying that we continue to work with the applicant to ensure an agreement can be achieved, and with that, there are some proposed acquisitions on both a temporary and permanent basis that we have no objections to. Uh, it is simply only the commercials that we are yet to agree on. However, there are some parcels of land that we we do have, uh, objections to. Uh, now, not to repeat what we've put in our representations, but I would like to just run through where we are on some of the sites just for everyone's benefit, if that's okay, ma'am.

00:52:07:12 - 00:52:07:27

Yeah.

00:52:07:29 - 00:52:31:08

There is. Sorry. I'm very sorry to interrupt. There is not going to be an opportunity further on in the agenda for you to do this. I'm quite happy since you have commenced, though if that's acceptable to everybody else, please continue to, uh, continue with your representations, just in case anybody else thinks they're not getting a fair chance. I will come to anybody else who wishes to speak. Please continue.

00:52:31:10 - 00:53:12:02

Thank you and apologies for jumping the gun to. The first parcel is the temporary parcel of land at the Ian Stewart Centre. Beehive ring road. Book of reference 6700. Now, this is one example where we actually have no issues with the proposed land take and actually do have agreed financial terms. Um, however, we did recently arrange a legal call with the relevant representatives from the applicant and also from Aurora. But we do have issues with the commercials contained within the heads of terms. Now, I also appreciate that this is not the right setting to bring these particular confidential terms to light, but we do believe that significant work is required for us to be in a position to agree these sets of terms.

00:53:12:04 - 00:53:48:01

So that was just more of a side point that I did want to raise on that particular parcel of land. Uh, then moving on to the permanent land, take behind the Travelodge site. Book of reference 1098. Now, again, this land take from an Aurora's position is not an issue to us. And this is primarily due to the long leasehold interest that we historically granted to a third party. Um, although what I would like to, to, um, ascertain and what I do require is confirmation that all other interested parties with regards to this particular parcel of land are aligned and on board.

00:53:48:03 - 00:54:26:08

So again, just a comment that I'd like to make with regards to conversations that are happening with third parties in particular, um, with this parcel of land, uh, then moving on to the permanent land take at the Premier Inn, Long Bridge, way back of reference 1/120. Uh, now, this particular parcel of land was in contention due to the permanent acquisition of the access road into the Premier Inn site. Um, which, uh, we own the freehold and Premier and have the leasehold now, um, uh, myself, uh, Aurora and the applicant have been working on ensuring that continued access for our tenant, uh, can be granted.

00:54:26:13 - 00:54:57:21

However, again, we do require confirmation that there have been ongoing conversations with Premier into this regard as it's likely to cause more issues for them with regards to the operational aspects of their hotel. Um, so yeah, again, it's just confirmation that the relevant conversations are happening with Premier Inn. Um, moving on to the, uh, Schlumberger house, permanent and temporary land take at Buckingham Gate. Book of reference for five, three 4539 and 4544.

00:54:58:01 - 00:55:32:02

Um, primarily this is a dispute regarding uh, in regards to the permanent acquisition of the access and exit points for Buckingham Gate Road. Um, however, I would like to comment that the applicant and, uh, Aurora do continue to work together to find an amicable solution with this one. Um, and then similarly with Schlumberger House, the permanent and temporary land take in car in the car park.

Book of reference for slash 492 and four. Slash 496. We have no concerns over the proposed land take on on both a temporary and permanent basis.

00:55:32:04 - 00:56:03:00

It is only the financial sums that are being disputed and we are yet to reach an agreement. But again, I'd like to comment that both the applicant and Aurora do continue to try and find a resolution to this. Um, then it moves on to the one that we have our, uh, largest concerns over, which is the Sofitel drop off points. So the Sofitel, uh, Gatwick book of reference 1209. Uh, now, the drop off area serves a number of purposes for the hotel and is fundamental for the operation of the hotel, uh, to name a few.

00:56:03:02 - 00:56:38:29

It is the drop off and pick up of hotel guests by cars and taxis. Unloading and loading of guest luggage on arrival and departure. Pick up and drop off of aircrew on large coaches on a daily basis. It is the main entrance for the hotel and a key element of the arrival and departure experience of our guests, coupled with the entire front of the hotel being bedrooms facing the airport. Hence, any change in the functionality and potential increase in noise will impact our operations. So whilst the applicants have provided some indicative proposals, they do cause significant operational difficulties to the hotel.

00:56:39:13 - 00:57:15:28

Again, I would like to confirm that we do continue to work with the applicant, but at this stage we are unable to receive further clarity on the detailed design for the forecourt or the utility works, which we understand are required to facilitate the project. The solutions proposed to us offer a single lane of traffic, which, um, would obstruct, uh, sorry, which would, would then obstruct, uh, taxis and other vehicles and coaches from dropping off visitors to the hotel. Um, really, this isn't a workable solution and could potentially cause, uh, a backing up of vehicles onto the highways network.

00:57:16:10 - 00:57:46:22

Uh, a secondary concern, as previously mentioned, arises from the noise levels associated with these works. As there are bedrooms and bedroom windows that face directly onto this area. Um, you know, further confirmation regarding restrictions of work, um, during certain times will be required. But, um, in principle, this parcel does remain unacceptable as a land take, um, as it results in inability for us to operate the Sofitel um, hotel. But again, coupled with that, I would like to state that we do continue our conversations with the applicant.

00:57:46:24 - 00:57:48:02

So thank you very much for your time.

00:57:49:06 - 00:58:04:17

Thank you. If we just take a step back, that was agenda item 3.3 that we've absolutely fine, but we sort of moved into if we go back to 3.2. Does anybody else have anything else they want to add.

00:58:07:04 - 00:58:39:01

No. We'll now move on to agenda item 3.2. What I'll do is I'm going to ask the parties to comment, and then I'll turn to you for final comment. Um, I have a list of people that have registered to speak in respect of outstanding concerns, which haven't been covered by agenda item 3.2. I do have Britannia Hotels Britannia Hotel Group registered to speak, but I don't think they are available online.

00:58:40:03 - 00:58:52:16

Nope. I'll come back at the end. Um, Aurora Group have already spoken. Gatwick Green, I think you've made your comments. Is there anything else you would like to add at this point?

00:58:57:08 - 00:59:13:08

Um, mom Kurt McDiarmid, Savills acting on behalf of Gatwick Green. No, there's no comments we wish to make at this time. Um, we will likely follow up with, um, a further written rep, just to be clear about what it is we're asking for in this particular location, in reference to plot 4.463.

00:59:14:09 - 00:59:19:24

Thank you. Thank you. Marathon. So marathon assets, is there anything else you wish to comment?

00:59:20:04 - 00:59:26:23

Rebecca. Column for the applicant. No, madam. Forgive me. Force of habit. Um. For marathon. No, madam.

00:59:27:01 - 00:59:31:21

That's fine, Mr. Bedford. Is there anything the joint local authorities would like to comment on?

00:59:32:06 - 01:00:05:25

Thank you. Thank you, Madam Michael Bedford. Um, and perhaps I should say here this is more Surrey County Council as landowner rather than the joint local authorities across the piece. Thank you. And there are just some matters, perhaps, to note in terms of updating in relation to, um, Bay horn, uh, farm. Uh, and you'll be familiar with that as the location for the proposed Horley Strategic Business Park to the immediate north of the um South Terminal roundabout.

01:00:06:05 - 01:00:54:12

Uh, And, um, you'll remember that we set out in some detail our concerns about that at, um, compulsory acquisition hearing one, obviously, I don't repeat all of those matters. Since then, there has been, uh, dialogue, uh, between, uh, the applicant and, uh, the Surrey County Council and its consultant, uh, team. Uh, but the parties are not yet in a position of agreement. There has been some productive work on heads of terms, and, uh, some points have been, um, agreed in terms of the principle of the approach, but it's working through the detail of those principles, which remains, uh, work to be done.

01:00:54:29 - 01:01:53:21

Um, we are, um, particularly still needing to be satisfied that the temporary access that the applicant requires for its works can be constructed in a way which doesn't prejudice the delivery of a permanent access, which would be required for the allocated site and which would preferably facilitate that allocated site by taking what we would regard as a joined up planning approach, particularly because, um, this is an important junction, uh, on, uh, the currently strategic highway network, it may not be part of the SRN post the implementation of the project, but it's an important junction, and we are certainly not in favour of the idea of successive schemes of works with disruption to the same location,

01:01:55:14 - 01:02:30:19

and so we would prefer to see a solution which allows the temporary access to then be in due course, modified to function as the permanent excess, but that requires rather more detail and coordination than we've currently got between the parties in terms of their discussion of how that would work. There are issues in relation to the traffic modelling. Um, and uh, we are we, we think, uh, there is a bit of a mismatch.

01:02:30:21 - 01:03:00:13

We entirely understand the applicants approach. Uh, in terms of, uh, WebRTC guidance that they carried out their uncertainty log. They identified projects that needed to be included within the course scenario and ones which did not. And because although it's an allocated site, there's not yet a planning application in relation to business. But if you apply the web tag guidance, you would not include that development in your core scenario.

01:03:02:06 - 01:03:33:21

So that that's simply what the. As it were, the the highways guidance would suggest. But it is critical given that the site is an allocated site and all the reasons we explored at K-1 as to why it needs to be able to come forward. It's critical to be able to understand that there has been some modelling to show that the combined effects of the applicant's development, and that development, can operate without prejudice to the strategic road network.

01:03:33:23 - 01:04:09:00

We think that the applicant has provided some assessment of that as part of its cumulative assessment of transport impacts, but we've not seen the detail of that. And so that's something that we need to satisfy ourselves on. And I think that's been the subject of, um, requests for information. I'm afraid there's been without going into the detail of it, there's been a bit of a to and fro ING of which side is suggesting the other side needs to provide information to the other, which is perhaps not helpful to you, but I'm afraid that is causing a bit of a sticking point.

01:04:09:02 - 01:04:30:24

This, I mean, this issue does concern me if, you know this has been going on. Obviously it's a big issue, but we are coming to the end of the examination. So could I ask that both parties communicate effectively in terms of giving each other the information that is required, please.

01:04:31:22 - 01:05:21:19

That will certainly on our part. That point is, uh, accepted and understood. Uh, madam, uh, and then the third point, um, in terms of, uh, outstanding issues is there is still, uh, concern on our part about the justification for the attenuation pond. Uh, it's rationale and the feasibility of alternative locations where we don't think that we've yet been given sufficient information to satisfy ourselves on that. It's fair to note that I think late yesterday, probably evening, I think in terms of timing, we did receive a response from the applicant's advisers on a large number of these issues, which I'm afraid we're still working our way through, because I say it was, um, late in the day.

01:05:21:21 - 01:05:56:07

I think, in fairness to the applicant, we only provided some information that they'd been requested to them on about the 23rd of July, so I can understand why things are not progressing as well as they

should have done. But, um, well, we I say we take note of your your words, and I'm sure everybody will take note of your words And hopefully we'll be in a position at deadline eight to crystallize what may be outstanding issues. And if there are issues that we require the Xa to adjudicate on, we'll have to identify those.

01:05:56:16 - 01:06:05:02

But we are hopeful that with some more productive work, we can, uh, manage and narrow those areas of difference. Thank you madam.

01:06:06:01 - 01:06:10:01

Thank you. Um, I have Lisa Scott. I think you're online, Miss Scott.

01:06:15:24 - 01:06:16:27

Yes. I'm here.

01:06:18:00 - 01:06:20:07

Would you like to make your representation, please?

01:06:20:22 - 01:06:24:24

Uh, so the question I had is with regard to.

01:06:24:26 - 01:07:02:12

The land at, um, the dairy and a currently that's, uh, the position of Mole Valley and within Charnwood Parish Council, within Child Parish. It appears that at the end of the um development, this land would be provided over to Reigate and Banstead. And I'm not sure if this is just something that has been, um, uh, incorrectly reassigned or what discussion has happened with Reigate and Banstead for them to accept, um, receiving land from a different um council area.

01:07:04:04 - 01:07:09:12

Thank you. I'll ask the applicant when we get to that point to respond, if that's all right, Miss Scott.

01:07:09:18 - 01:07:10:11

Thank you.

01:07:10:29 - 01:07:22:15

Thank you. I also have a mr. Paul Costello and Doctor Sharma who've registered to speak, but I understand neither are online. I'm assuming you're not in the room either.

01:07:24:13 - 01:07:39:08

Nope. Um, if you do either of those parties, do watch this back. If you do want to submit anything in writing, that is fine as well. So if I turn to the applicant, if you'd like to make comment on any of the representations you've heard.

01:07:39:20 - 01:08:15:26

Scotland's. Thank you ma'am. If you're dealing with the Aurora Group. First of all, um, we broadly, uh, agree with the way that the position as far as the Beehive Travel Lodge and the Premier Inn have



been characterized. Uh, we are working well on those, uh, acquisitions. Uh, the status has been accurately described. Good progress has been made. The relevant conversations with their parties have taken place, and we've effectively reached an agreement in principle with heads of terms with legal teams for review.

01:08:16:15 - 01:08:32:22

Similarly on Schlumberger House um, commercial valuation outstanding on that. I don't need to address that further. But that's the commercial negotiation that is taking place, and we're confident that that will be resolved in relation to the the Sofitel.

01:08:34:19 - 01:09:10:24

The position is this. I mean, as applicant, we are committed to working to find a solution. As far as the drop off, um, provision is concerned, clearly following detailed design, traffic management, safety as a whole, uh, will be taken into account and we're confident that workable solution can be found. Um, we obviously need to undertake works under a regulatory environment, including construction, design and management regulations, which would ensure that any temporary construction layout is safe that meets the relevant requirements.

01:09:10:27 - 01:09:54:26

As I say, as we go through the detailed design stage, we're confident that a workable solution can be found because that will need to take into account highway safety, traffic management matters and so on, as well as the broader design principles that apply to the scheme. And in recognition, however, of the concerns that have been that have been raised, um, we know that in the code of construction practice, um, we have said that where a landowner's assets will be affected by construction works, appropriate accommodation works will be undertaken, and we're reviewing that so that we can ensure that management measures to mitigate impacts will be established in advance of the commencement of works.

01:09:54:28 - 01:10:19:17

That's something that would apply not simply to Aurora, but across the board. For those who may have a concern about the interface between the construction works and the functioning of their of their facilities. So we're going to look at that in order to address their concerns. And if there's anything more specific, it needs to be drafted. As far as we're concerned. We will feed that into the current negotiations are taking place with them.

01:10:19:19 - 01:10:26:24

Thank you. Is the design solution that you speak of? Will that be available before the close of examination, or is that a detailed design?

01:10:26:26 - 01:10:28:20

No. Scott Leonard for the applicant.

01:10:30:13 - 01:10:35:05

No. The concept, but not the detail. The detailed design hasn't taken place yet.

01:10:35:07 - 01:10:47:28

Okay, so the concept will be discussed with the Aurora. Because obviously what I'm looking for is as many of these issues to be resolved prior to the close of examination.

01:10:50:19 - 01:11:14:02

Scotland. That's our intention, ma'am. Thank you. Um, as I say, those discussions will take place, uh, with Aurora. Everything else has been going very well, as we've, uh, established, um, and we're confident that a solution can be found either through, uh, discussing the concepts and, if necessary, looking at the code of construction practice to see what further comfort we can offer through that.

01:11:14:12 - 01:11:14:27

Thank you.

01:11:14:29 - 01:11:21:28

Um, as far as, uh, Surrey County Council as landowner, um, is concerned. Um.

01:11:24:10 - 01:11:25:18

Three points.

01:11:25:24 - 01:11:27:29

First one on, um,

01:11:29:15 - 01:12:08:17

the design of the access accommodating the, uh, allocation, as it were. I think there's a still a difference between ourselves and, uh, the county council on this. We're of course, happy to share information about the timing of our works well and what is going to take place, what is going to take place and when. I should, I should say, but it's not for us to effectively design a highways access that caters for another development outside the scope of the project, and the normal way we will design to provide for the highways impact that results from our scheme.

01:12:09:05 - 01:12:40:23

And in the event that a development comes forward on the allocated site in due course, then that development will need to take into account traffic conditions, the highways that are in place as a result of the project and then mitigate accordingly. So we do not think that it is for us to effectively design an access that anticipates a development on allocated site that has and come forward, and that would be done in a normal way should any development come forward. Um, uh, on that, uh, on that site.

01:12:41:16 - 01:12:42:01

Um,

01:12:43:12 - 01:13:14:23

uh, as far as, uh, second point is concerned, uh, relating to traffic impact, it's related to, uh, as related to that, we acknowledge that the agreement that's been given by Surrey County Council that there do not have a development that will be covered by web tag. And fundamentally, um, we do not think that there is a scheme that we should be effectively, um, assessing in order to provide a junction that caters for that scheme should have come forward.

01:13:14:26 - 01:13:49:08

But as far as the the point on the traffic impact assessment cumulative concerned will take that away. Check what the factual position is and we can relay that back to the jazz, um, uh, in due course as part of wider discussions that are taking place in any event. Uh, we'll go and check uh, the point, uh, as far as the cumulative assessment has been carried out is concerned, but the fundamental position is essentially it's for us to bring forward a scheme that mitigates the effect of our project. If a scheme comes forward on the allocated site, we haven't seen a design.

01:13:49:10 - 01:14:01:26

We don't know what form that's going to take. If it comes forward in due course, it will have to mitigate accordingly. Um, the third point relates to the attenuation pond and we can cover that separately.

01:14:02:13 - 01:14:45:03

Yeah. Darren Atkins for the applicant. So just briefly to summarise the key points on the attenuation pond. So the attenuation pond proposals across the scheme including the pond, the question at terminal roundabout, they were developed in consultation with Surrey County Council and West Sussex County Council. Locally, flood authority teams um as part of the technical engagement, as well as being developed in consultation with National Highways as the future asset owner. Uh, the proposed attenuation pond. Design and location northeast of said terminal roundabout is considered to be the preferred solution on the basis of a range of factors, including alignment with LFA policy in relation to the likes of preference for Sod solutions over below ground tanks.

01:14:45:14 - 01:15:25:21

It's also preferred on the basis of minimising safety risks associated with plain bird strikes at the airport, as opposed to alternative options, and then also in relation to general adherence with national highway standards and the nature of the associated maintenance access arrangements. Um, to the to the pond as well. So overall, the site of this location, the constraints around the site limit the feasibility of the alternative options. I won't go into detail about the alternatives that have been discussed, uh, with Surrey just now, but um, effectively there the scheme limits a deviation, offer a degree of flexibility to refine the pond provision and its envisaged location.

01:15:25:23 - 01:15:34:09

And that that will be done in consultation with SCC is um, as one of the technical approval authorities and their capacity is LFA at the detailed design stage.

01:15:36:17 - 01:15:37:17

Thank you. Um.

01:15:38:03 - 01:15:48:18

That's Surrey County Council as far as Lisa Scott is concerned. Mum, um, may I suggest that we cover that as part of the broader approach to open space under a later agenda item?

01:15:48:22 - 01:16:19:21

That's what I was planning on doing. Thank you. Just going back to this strategic business park, it does seem that parties are quite far apart. To be fair, both parties have remained in this position since

the start of examination. Um, it's not for me to prejudge whether that will change. I know you will anyway, but could I encourage effective communication? And in terms of if you are submitting closing statements, a very clear summary of that position will be very useful.

01:16:19:26 - 01:16:21:21

Um, from both parties.

01:16:22:28 - 01:16:31:04

The applicant, uh, noted and understood. Um, we will continue to discuss this matter, and if it hasn't been resolved, we will make sure that the closing submissions address it accordingly.

01:16:32:16 - 01:17:00:29

Thank you. I'm going to move on to agenda item number four now. This deals with sections one, two seven and 138 of the Planning Act. Um, turning to the applicant. As with agenda item 3.1. Have there been any significant updates in terms of statutory undertakers since the submission of the Land Rights Tracker into examination at deadline seven?

01:17:03:19 - 01:17:04:18

Uh, Scott. Linus.

01:17:12:27 - 01:17:35:21

Okay. Scott. Linus for the applicant. Um, by way of broad summary, a number of the parties have moved from effectively moving to agreement as opposed to a signing as opposed to, uh, expressing agreement. So in the, um, in the tracker, uh, where agreement had been identified, a number of those parties are now moving towards signature.

01:17:37:27 - 01:17:38:17

Thank you.

01:17:39:00 - 01:17:43:06

And the note of the day we can set out the the detail of the parties. Precisely.

01:17:43:16 - 01:17:51:23

I do have some further questions for the applicant. Um, is it anticipated that any further protective provisions will be included?

01:17:55:03 - 01:18:10:00

Um, Scotland or the applicant? Um. Yes, ma'am. Statutory undertakers have requested some bespoke protective provisions. Um, the final versions of those will be submitted at deadline. It, um, uh,

01:18:11:27 - 01:18:20:25

that they have been agreed so we can submit those at that at that deadline. I can indicate the parties would help or we can put it out.

01:18:20:27 - 01:18:22:06

Yeah. It would be helpful for me.

01:18:22:08 - 01:18:36:05

Okay. Um. Uh, as for petroleum, National highways, uh, UK and the South Eastern Power Networks plc. Southern Gas Networks plc. Thames Water Utilities Limited and Network Rail.

01:18:37:00 - 01:19:01:17

Thank you. That's I think it was rep six 110. Um, it was stated that you were considering whether to incorporate incorporate protective provisions, the local lead flood authorities, or whether they propose to apply for each consent during the detailed design stage. Post DCO. If you made any progress on that.

01:19:04:23 - 01:19:10:03

Uh, Scott Lyness for the applicant, we think we've had confirmation that those are not needed.

01:19:14:17 - 01:19:16:28

She'll leave that one for you to confirm, Mr. Bedford.

01:19:17:14 - 01:19:25:01

I think we will confirm the position in writing, because I'm afraid my briefing notes for today don't cover that particular issue.

01:19:25:11 - 01:19:41:23

That's fine. If you could just submit that. Thank you. In the event that agreements not reached with all statutory undertakers would the relevant tests for the exercise of powers pursuant to sections one, two, seven and 138 of the Planning Act be met?

01:19:53:09 - 01:20:10:13

Scott Linus for the applicant. I think we've dealt with this in the earlier post acquisition hearing in any event. But in short, yes, we said the task would be met because there in short, there are a protected provisions already set out within the, uh, the order. And we think those are going to be sufficient to meet those tests.

01:20:11:07 - 01:20:16:21

Thank you. Is there anybody who wishes to comment on anything that's been said at that agenda item?

01:20:19:00 - 01:20:29:25

Nope. I'll move on to agenda item 4.2. I don't think there are any statutory undertakers registered who may wish to make representations.

01:20:32:25 - 01:21:11:08

Now, um. Moving on to agenda item 4.3. As I mentioned previously, I'm looking for an update. Um, document. Um, and I'd like this to include statutory undertakers as well, but a little bit more detail. So if you can just bear with me, as I explained to you. what I would like, obviously I'd like to understand where you've reached an agreement. Um, using either standard wording or bespoke wording has been agreed where the wording for bespoke protective provisions hasn't been agreed.

01:21:11:10 - 01:21:51:05

I'd like you to list out the extent outstanding issues. I can just miscellaneous. I will provide this as an action point because there's a lot of information. Um, list out the outstanding issues, provide details of negotiations to date dates for communication, and confirm the wording that the applicant thinks suitable when no response if this case applies has been received in respect of protected provisions, can you again detail what attempts to engage have been carried out and why you consider the standard provisions provide adequate protection to both assets and rights.

01:21:51:09 - 01:22:23:17

Briefly, to explain why bespoke protective provisions wouldn't be necessary. Um, in terms of those statutory undertakers where the bespoke wording hasn't been agreed and this applies to the statutory undertakers. I would like the statutory undertakers to produce a similar document, which provides detail as to why bespoke protective provisions are necessary, and for them to provide wording they consider appropriate. And I'd like the statutory undertakers to provide me with two sets of wording.

01:22:23:21 - 01:22:57:18

Firstly, wording that the statutory undertakers would find acceptable, and then to provide a track change version against the applicant's suggested wording. Just so I can see the difference between the two sets of perspective provisions. Can I ask the applicant to lead on that in terms of the statutory undertakers, because you obviously have dialogue with those parties. That was quite a lot of information. I will, in the action point list out specifically what I've said, but I think you get the general gist of what I'm asking for.

01:22:59:12 - 01:23:00:03

For the applicant.

01:23:02:06 - 01:23:10:02

Yes. Uh, the rationale entirely understood. Can I just check on timing for that? Is that anticipated by deadline nine?

01:23:11:25 - 01:23:12:19

Yes.

01:23:13:15 - 01:23:14:00

Right.

01:23:17:15 - 01:23:22:13

Does anybody else have anything to add in terms of statutory undertakers?

01:23:25:28 - 01:23:39:07

No. Um, it's nearly 11:00. So what I propose is that we adjourn till 11:15, and we will start with item five on the agenda.