

The Applicant has provided its responses to the Examining Authority's Written Questions (ExQ2) on Compulsory Purchase and Temporary Possession in Application Document Ref: 10.56.3. AIPUT sets out its comments on the Applicant's responses under the relevant subheadings below.

Subheading: Compulsory Acquisition and Temporary Possession

AIPUT note that in the Applicants response to CA.2.4 it states that:

"... in an effort to resolve the matter and concerns the Applicant has continued its discussions with National Highways and now proposes to seek only powers of temporary possession and permanent rights over those parts of the strategic road network (SRN) which will remain part of the SRN following the delivery of the Project and which are owned by NH. The powers relating to permanent rights are required to ensure that the Applicant can provide the necessary rights to utility companies to access and maintain assets within/ underneath the highway boundary where this is required, once the works have been completed but before the Applicant vacates the land and the highway authority is once again responsible for maintenance".

In their response to ExQ2, AIPUT highlighted that, similarly to National Highways, plot specific justification has been previously requested from GAL as to why part of Viking House is identified for permanent acquisition and not a lesser right such as temporary acquisition. AIPUT do not believe adequate justification has been provided by the Applicant for why temporary acquisition or a lesser right, for example private easement, would not suffice. Nevertheless, AIPUT is continuing discussions with GAL in the hope that an acceptable agreement can be concluded.

In relation to EXQ2 CA.2.6, AIPUT notes that the Applicant disagrees with the way in which AIPUT has characterised the Applicant's approach to engagement. The Applicant says that it has proactively engaged with AIPUT to provide information and assurances in response comments made about the Project. The Applicant also refers to commitments sought by AIPUT "at the start of discussions" and an explanation given by the Applicant on 6 May 2004 as to why those commitments were not appropriate. This seems to suggest that discussions between the parties only commenced a few months ago, whereas in fact AIPUT sought to engage with the Applicant during the pre-application process and throughout 2023 and early 2024 but with limited success. The detail of AIPUT's attempts at engagement with the Applicant in relation to the Project, and particularly on land matters, is set out fully in AIPUT's written representation [REP1-165] and is not repeated here. AIPUT is therefore somewhat surprised to read the Applicant's response to CA.2.6. The reality is that the Applicant's efforts at substantive engagement with AIPUT has been left to a very late stage. Nevertheless, AIPUT is continuing to seek to reach an acceptable agreement with the Applicant and notes that negotiations on draft heads of terms are ongoing.