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Hinckley Rail CAH_1 14 Sept PT1

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FULL TRANSCRIPT (with timecode)

00:00:05:20 - 00:00:38:18

Good morning, everybody. It's now 10:00 and it's time for this hearing to begin. I would like to welcome you all to this compulsory acquisition hearing on the Hinckley National Rail Freight Interchange project. Can I confirm that everybody can hear me clearly? And can I also confirm with the case team that the live streaming and recording of this event has commenced? I'm getting thumbs up from the back of the room. Thank you. My name is Robert Jackson. I have been appointed by the Secretary of State to be the lead member, the panel to examine this application.

00:00:38:28 - 00:00:42:27

I'm now going to ask my fellow panel members to introduce themselves.

00:00:44:12 - 00:00:51:09

Good morning. My name is Graeme Sword. I've been appointed by the Secretary of State to examine this application.

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

Good morning. My name is Matthew Herron. I've been appointed by the Secretary of State to be a member of this panel to examine this application. I'm also going to be keep a list. Keeping a list of action points that we can run through at the end. Thank you.

00:01:06:12 - 00:01:43:12

Together, we, the three of us, constitute the examining authority for this application. I'll now deal with a few housekeeping matters for those attending in person. Could everyone please set all devices, that is. Well, phones and watches to silent if you need the toilets. These can be found in the corridor on this side. My left, your right. And as I understand it, there are no fire alarms due today. So if the alarm does go, we need to treat it as if it were the real thing and leave calmly and quickly the muster points as understand that the hotel opposite the entrance and the park on the other side of the road.

00:01:45:03 - 00:02:01:25

This meeting will follow the agenda published on the National Infrastructure Planning website on the 11th of August 2023. Examination Library 005. Be useful if you had a copy of this in front of you, and I'd be grateful if the could also be displayed on the screen.

00:02:10:12 - 00:02:11:04

Thank you.

00:02:13:05 - 00:02:45:11

The agenda is for guidance only and we may add other considerations or issues as we progress. We will conclude the hearing as soon as all the relevant contributions have been made and all questions asked and responded to. But if the discussions can't be concluded that it may be necessary for us to prioritize matters and defer the other matters for further written questions. Likewise, if you cannot answer the questions being asked or acquire time to get the information requested, then you please say so and indicate that you will want to respond in writing.

00:02:46:24 - 00:03:25:09

Today's hearing is being undertaken in a blended way, meaning some of you are present here with us in the hearing venue and some of you are joining us virtually using Microsoft teams. We will make sure that however you have decided to attend today, we will give you will be given a fair opportunity to participate. A recording of today's hearing will be made available on the Hinckley National Rail Freight Interchange section of the National Planning Infrastructure Web site as soon as practicable after the hearing has finished. This in mind, Please ensure that you speak clearly into a microphone stating your name and who you are representing each time before you speak.

00:03:25:20 - 00:03:38:13

For those with the microphone, you need to press the button to work. The red light indicates that the microphone is live. If you are not at a table with the microphone, there is a roving microphone. So please wait for one of those to be brought to you.

00:03:40:26 - 00:04:13:06

Link to the planning Inspectorate's Privacy Notice was provided in the notification for this hearing. We assume that everyone here has familiarized themselves with this document which establishes how the personal data for our customers is handled in accordance with the principles set out in data protection laws. Speak. Please speak to one of the case team. That's Mr. Williams or Mr. Parker if you have any questions about this. We are aware that we have a number of effective persons who are here or have representatives here as set out in our agenda.

00:04:13:08 - 00:04:47:16

We're intending this hearing to be the general case and to have a session on the Thursday, the 2nd of November 2023 in the afternoon to cover site specific matters. And can I just say that since the preliminary meeting on Tuesday, it's been confirmed that there is a physical venue available on that Thursday afternoon. So rather than that hearing being entirely virtual, it will be our intention to hold it in a blended format that is both face to face and with the opportunity to join online. This will take place at the Leonardo Hotel near Junction, one of the 69.

00:04:48:18 - 00:04:53:15

I'm now going to ask Mr. Herron to ask participants to introduce themselves. Mr. Herron.

00:04:54:14 - 00:05:26:11

Thank you, Mr. Jackson. So I'm now going to ask those of you who are participating in today's meeting to introduce yourselves, starting with those in the room. When I state your organization's name, could you introduce yourself stating your name and who you represent and which agenda item you wish to speak on? If you are not representing an organization, please confirm your name, Summarize your interest in the application and confirm the agenda item upon which you wish to speak. And please, could everybody also state the title by which they would wish to be addressed? Can we please start with the applicant and any of their advisors?

00:05:28:02 - 00:05:47:12

Good morning, Laura. Beth Hutton. Mrs. Laura Beth Hutton. I am a solicitor and partner at Eversheds Sutherland LLP and I am appearing today for the applicant. As you can see, there are a number of the applicants team here are proposed. They introduce themselves. Each of them may speak at some point today.

00:05:51:23 - 00:06:00:26

Good morning, sir Paul. Male partner and solicitor had ever shed some and I envisage Mrs. Hutton will lead the discussion today. But my input from time to time.

00:06:02:28 - 00:06:13:17

Good morning, says Peter James Frampton of Frampton Town Planning Limited, representing the applicant contributing to Agenda item two.

00:06:16:15 - 00:06:17:06

Thank you.

00:06:19:27 - 00:06:25:14

Good morning, sir. Mr. Sam Carter. I'm the highway design lead representing the applicant.

00:06:29:13 - 00:06:34:24

Ms. Shinade Turnbull, planning director at Tri Tech Cemetery. The applicant.

00:06:38:04 - 00:06:46:22

Mr. Jonathan Wallace, development Director. Representing Symmetry and probably item six on the agenda.

00:06:49:08 - 00:06:55:25

But David Baker Baker is consulting, advising the applicant available for questions.

00:06:59:06 - 00:07:00:10

Fiona McKenzie

00:07:02:02 - 00:07:04:19

advising the applicant on landscape principle matters.

00:07:10:06 - 00:07:10:24

Thank you.

00:07:11:25 - 00:07:18:06

Can we then move on to the organizations and individuals that have given their notice to speak District Council?

00:07:24:16 - 00:07:36:21

Ed Stacey. Transcript. Good morning. We've not made any requests to speak at today's hearing. We're attending just for a sort of attendance purposes and to listen in to into the hearing today.

00:07:40:03 - 00:07:40:20

Thank you.

00:07:42:24 - 00:07:45:10

Anyone from Hinckley and Bosworth Borough Council?

00:07:46:06 - 00:07:58:22

Yes. Good morning, sir. My name is Mr. Mike Parker. I'm a planning consultant. I'm here for Hinckley and Bosworth Borough Council. I'm not planning to speak on any particular item, but I'm at your disposal to answer any questions or clarify any matters that can.

00:08:00:15 - 00:08:01:02

Thank you.

00:08:02:27 - 00:08:04:10

Leicestershire County Council.

00:08:05:02 - 00:08:12:27

Good morning, Miss Julie Thomas, Director of Planning, Historic and Natural Environment Leicestershire County Council. Just here to answer any questions you may have.

00:08:16:07 - 00:08:23:16

Morning, sir. Mrs. Rebecca Henderson, Leicestershire County Council. In our role as local highway Authority. Available for any questions.

00:08:28:13 - 00:08:29:26

Anybody from Network Rail.

00:08:37:15 - 00:08:48:19

It was Chris Robinson again from Dentons LLP representing Network Rail. And we don't have or certainly don't at the moment have any need to speak to any of the agenda items.

00:08:50:19 - 00:08:54:07

I'll let my the clients here on the call introduce themselves as well.

00:09:05:24 - 00:09:06:09

Cleanse.

00:09:08:09 - 00:09:08:24

Them.

00:09:09:08 - 00:09:11:23

Any other affected persons in the room?

00:09:14:25 - 00:09:15:10

Ms..

00:09:15:12 - 00:09:24:17

Sima Dadra, senior planning lawyer at National Highways. I don't intend to speak today, but reserve opposition for any submissions like deadline one.

00:09:27:28 - 00:09:28:25

Good morning, sirs.

00:09:28:27 - 00:09:30:18

My name is Kilian Garvey.

00:09:30:21 - 00:09:49:00

I'm a barrister from King's Chambers. I'm instructed by Shoemith. We act for park or Strategic Land and a number of landowners. There are nine landowners who are listed in the representations from Shoemith. I intend to address you in agenda item two.

00:09:56:15 - 00:10:20:18

A number of other people have indicated that they would like to speak at this hearing. However, I'm not quite clear as to whether or not they are affected persons. In other words, you have an interest in the land which the applicant wishes to use, either permanently through compulsory acquisition temporarily to allow development to take place, but with permanent rights thereafter, or just temporarily to allow developments to take place. If you could advise me as to whether you have such an interest.

00:10:24:14 - 00:10:26:24

Any other persons in the room wishing to speak in this regard.

00:10:34:24 - 00:10:36:14

Are there any other people in the room now?

00:10:39:21 - 00:10:40:06

Okay.

00:10:41:09 - 00:10:56:00

So Stevens, by speaking, just lost connection. So just wanted to make sure you've got me down here. I'm Stevens Spry, Mr. Stevens representing network. Well, but don't intend to speak in this to.

00:10:59:04 - 00:11:11:02

Thank you. I was then to move on to any virtual attending attendees. So if you are a virtual attendee and you wish to speak again, could you introduce yourself and let us know which agenda item upon which you wish to speak?

00:11:14:28 - 00:11:34:04

So my name is Will Thomas. I'm a principal associate at Shoemith. I'm here today speaking on behalf of a consortium of promoters, including Barr, Woodland and Parker Strategic Land and also a landowner. Ms.. Jennifer Taylor and I tend to speak at item two.

00:11:37:01 - 00:11:37:16

Okay.

00:11:38:00 - 00:11:38:15

Thank you.

00:11:43:05 - 00:11:44:21

Any of the virtual attendees.

00:11:48:18 - 00:11:50:24

Is there anybody else here who wishes to speak?

00:11:52:27 - 00:12:00:03

Okay. Thank you. I'm now going to pass you to Mr. Sword, who is going to briefly explain the purpose of of this compulsory acquisition hearing.

00:12:02:13 - 00:12:03:04

Thank you.

00:12:04:03 - 00:12:31:20

Purpose of this. The meeting is to consider the matters detailed on the agenda which was published on the 11th of August 2023. As a general rule, it is not appropriate to display documents that have not

previously been submitted as part of the examination, and we would need to know why such a document needed to be displayed. If during the course of the hearing we need to refer to a document, we will use the document reference in the examination library.

00:12:33:08 - 00:12:55:20

Applications for development consent orders are examined principally through the written process. However, hearings can be held when examine matters where there is. This is helpful to the examining authority. This is a subject matter controlled agenda. This means the matters for discussion today. Are those matters identified on the agenda?

00:13:00:12 - 00:13:30:29

Felt that it was necessary so as to give me the opportunity to understand more fully the applicant's case. Note that a number of interested parties have indicated that they wish to speak and we will also hear from them. Participation is subject to the Exam Authority's power to control the hearing to assist us and to help the smooth running of the meeting. Speakers should ensure that the points are relevant to the agenda item at hand and be polite to the speakers. Please do not interrupt this.

00:13:35:07 - 00:14:06:15

An examination is issued best if someone speaks before you and puts a point that you agree with. There is no need to repeat it. It is sufficient to say that you agree with the point made by the previous speaker. Speakers who repeat matters that have already been put will be asked to move to the next point. Speakers who are interrupt or discourteous to others will be warned. In such circumstances, it is important to be aware that an award of costs can be applied for and made against a person who is behaving unreasonably.

00:14:06:21 - 00:14:15:26

And that repeated interruption a disruption of this meeting after a first request to stop is in principle deemed to be unreasonable behaviour.

00:14:17:15 - 00:14:50:03

We are. Hopefully we are hopeful that we will be able to complete all the agenda items for this compulsory acquisition hearing this morning. However, should this not prove possible and we can continue after lunch and there is the option for you to submit further statements in writing. We are likely to wish you written questions and there is a further compulsory acquisition hearing scheduled for the beginning of November. As Mr. Jackson outlined earlier, to deal with specific sites rather than the applicant's overall general case.

00:14:51:13 - 00:14:54:22

Does anyone have any comment about the purpose of today's hearing?

00:14:58:27 - 00:15:02:24

Thank you. Now hand back to Mr. Jackson, who will take us through the next item.

00:15:03:20 - 00:15:39:03

Thank you. And firstly, we would like the applicant to present and justify its case for compulsory acquisition generally will be shortened, I suspect to see a temporary possession and where appropriate, temporary possession with rights TPR and will wish to address would ask to address the following matters to review the statutory and policy tests relevant to and or and or TPR and the Planning Act 2008 and Guidance to review human rights and equality considerations.

00:15:39:05 - 00:16:03:10

Consider the structure and content of the Book of Reasons and the book of reference in the statement of reasons to consider the structure, content and update position of the funding statement. Although

we will have a separate session about funding per se later on to consider the structure and content of the statement of reasons and consider any impending legislative changes. So. Mrs..

00:16:06:13 - 00:16:06:28

Sorry.

00:16:07:09 - 00:16:09:24

Ms.. Ms.. Mrs. Hutton.

00:16:10:20 - 00:16:11:05

Thank you.

00:16:11:07 - 00:16:11:27

Thank you,

00:16:13:15 - 00:16:16:00

Mrs. Laura Bretherton, for the applicant.

00:16:18:17 - 00:16:52:27

In summary, as can be seen from the application documentation relating to compulsory acquisition, the applicant's land as strategy has been and continues to be, to agree voluntary arrangements and to limit and reduce the extent of such powers required. And indeed, as explained in Section seven of the Statement of reasons and identified on the land plans and book of reference, the applicant has already entered into voluntary agreements to secure the vast majority of land required for the authorised development At the time of submission.

00:16:52:29 - 00:17:25:01

This represented over 80% of the order land that is the land excluding the white plots, if you like, on the land plans which are those where street works will be carried out under highway powers in the in the order and the applicant continues to seek voluntary agreement with those landowners where agreements have not yet been reached and is pleased to advise that positive progress has been made in respect of a number of plots.

00:17:25:21 - 00:18:05:06

And these are plots 1556 84, 104, 101. A 102, 103 and 116, as well as the necessary railway land. And that would take a if those voluntary agreements are reached in the coming weeks, which which it is hoped that they will be, that will take the voluntary agreements up to over 94% of the order land to be land within the applicant's control and not requiring the exercise of a full powers.

00:18:11:14 - 00:18:25:12

Indeed, where the applicant has voluntary agreements in respect of the freehold of land. As you will see from from the powers sought, the applicant has reduced the extent of power sought to to only require

00:18:27:07 - 00:18:40:16

the compulsion of of third party rights or extinguishment of third party rights, where those rights might be inconsistent with the authorised development and does not propose any higher powers than that.

00:18:42:13 - 00:19:24:12

The applicant statement of reasons sets out the applicant's case in relation to the power sought, including how statutory and policy tests are considered to be met in brief. The statement explains why it's considered that the significant public benefits of the project through delivery of an RFP for which

the National Policy Statement for National Networks acknowledges there is a compelling need justify the power sought by the applicant. It also sets out the applicant's consideration of alternatives to compulsory acquisition, including through site selection and scheme design and indeed has mentioned the approach to land acquisition through minimizing the power sought.

00:19:25:21 - 00:19:38:28

Finally, the applicant sets out its clear intention for the use of each parcel in order to explain the purpose clearly for which those powers are sought and to demonstrate that it does seek no more than is reasonably necessary.

00:19:42:12 - 00:20:23:07

Moving to human rights and equality. The statement of reasons that at paragraph 6.29 to 6.36 deals with this and explains that the need for the project as identified in in the whole of the application documents generally and specifically in respect of need, which is primarily dealt with in the planning statement, which is document 7.1 app 347 the market needs assessment, which is document 16.1357 and the logistics demand and supply assessment, which is document 16.2358.

00:20:23:14 - 00:20:35:23

And these demonstrate that the need for the development and for the compulsory acquisition powers sought are legitimate and justify in the applicant's view, the interference with human rights of those with an interest in the land affected.

00:20:38:22 - 00:21:00:00

In terms of the structure of the various compulsory acquisition documents, book of reference, funding statement and statement of reasons. These are explained within the introduction of contents page to those documents, and if it would help for me to read from the book of reference introduction more generally to explain its structure.

00:21:00:21 - 00:21:02:20

If you could just quick, briefly.

00:21:11:24 - 00:21:51:12

So the book of reference follows the the the regulations Regulation seven, which sets out the parts which must be contained in the book of reference. So part one identifies the names and addresses for each person within categories one and two of the Planning Act set out apologies in section 57 of the Planning Act 2008. And those persons are people whose whose interests are proposed to be subject to the powers of compulsory acquisition rights, to use land or rights to carry out protective works to buildings.

00:21:55:24 - 00:22:24:15

Part two of the Book of Reference then contains the names and addresses of those people who might be considered to be within Category three of Section 57 of the Planning Act. And those persons are people who the applicant considers that if the order were made, would would be or may be entitled to make a relevant claim. And the the details of what a relevant claim is is set out in that in the book of reference.

00:22:26:09 - 00:22:27:13

Part three

00:22:29:06 - 00:23:10:18

identifies those names of all the persons entitled to joy enjoy rights such as easements and private rights, and then part four deals with Crown interests, which will come on to later believe in the agenda. And Part five finally identifies where special category land is within the order limits. And we

do have some parcels of common land within the order limits here as we will again come on to later in the agenda. Just briefly, in terms of the applicant's approach to the land plans, as mentioned, these broadly follow the applicant's approach to minimising interest.

00:23:10:20 - 00:23:43:10

So there are different categories of interest identified on those on those plans which relate to the powers sought. So where we have pink plots on the land plans, those interests, those parcels of land are proposed to be subject to full compulsory acquisition, if you like, which deals with freehold leasehold occupier interests as well as the acquisition of rights where there are blue plots on the land, on the land plans. These are plots which would only be subject to the creation of new rights.

00:23:43:12 - 00:24:23:18

And those plots are also listed specifically in the development consent order Schedule 11 finally. Well, penultimate, we should say we have yellow plots on the land plans. Those plots are parcels of land which are proposed to be subject only to temporary possession and then finally land, which is shown tinted green. And this is the the vast majority of the land as can be seen, where voluntary agreements have been reached and it is only sought to extinguish or acquire existing third party rights in the event that they are inconsistent with the authorised development.

00:24:26:00 - 00:25:15:11

The book of Reference and the land plans also have a number of plots which are. White, which which means there is no compulsory acquisition or temporary possession sought in respect of those plots. And the applicant requires those only to carry out highway works where land powers are not required. These are specifically listed in the Book of reference in order to comply with the regulations which require the identification of parties within the book of reference with an interest in the order land order limits apologies and and to this end, there will be a number of parties identified where because of the legal principle of of ownership of the subsoil of a highway, those parties are in the book of reference.

00:25:15:13 - 00:25:20:08

But the applicant is very clear there is no powers sought in respect of those plots.

00:25:23:22 - 00:25:25:15

In relation to compulsory acquisition.

00:25:26:05 - 00:25:26:20

Okay.

00:25:29:09 - 00:26:11:21

Um, I believe that takes us on to the structure of the funding statement. Um, and again, as mentioned, sir, there's a section on the agenda for funding later on. The funding statement is, is a very brief document and identifies the applicant's assessment based on its knowledge and judgement of um, market values and the land agreements that it has already entered into its assessment of likely funding required to to deal with the compensation potentially due as a result of exercising the powers sought.

00:26:11:23 - 00:26:32:28

It also details the applicant's estimate of funding the development in its entirety and then appends um, the group accounts which detail the funds available to the group. Um, the try tax big box reach plc of which the applicant is a subsidiary.

00:26:34:22 - 00:27:06:00

And then onto the statement of reasons. Um, again this, the approach to the statement of reasons and its and its contents are set out within the beginning section of the document and broadly it seeks to

explain the project, the statutory context for the powers sought. It also explains the powers which are sought in the order and how the land and all of the categories of powers are set out, as I have just explained.

00:27:07:29 - 00:27:26:29

It also explains the applicant's approach to land assembly, which, as mentioned, is to prioritise voluntary arrangements where possible. It briefly explains the position with regard to crown land and special category land and the applicant's consideration of whether there are any Category three persons.

00:27:28:25 - 00:27:58:26

It then contains in its appendix an explanation of what each parcel is required for. And then in appendix two, the current status as at submission of the extent of negotiations with those parties. And of course the applicant is aware as part of the various deadlines in the examination, it will be submitting an update to the negotiation status of all of those parcels. I

00:28:00:17 - 00:28:04:01

think that brings us on to impending legislative changes.

00:28:06:00 - 00:28:32:24

The applicant understands this is this probably a reference or a desire to discuss the levelling up and regeneration bill. Is that correct? And in which case do have a schedule here with me which can run through, but it may be it may be more more helpful if I submit a schedule as part of our post hearing submissions, just explaining our views on each each section of the bill as it stands and how that would apply or not to the to the order.

00:28:33:27 - 00:28:41:10

The the other is the Neighbourhood Planning Act from 2017 as to whether the what the implications of that are. Have you considered that?

00:28:42:24 - 00:29:25:17

We have, as explained in the explanatory memorandum, Article 47 of the does seek to apply the provisions of the Neighbourhood Planning Act 2017 relating to temporary possession and that that is so that Articles 32 and 33 of the would stand instead of any provisions under that act. And that is because the applicant understands regulations are yet to come into force in respect of the Neighbourhood Planning Act. And so it seeks to to ensure that the order sets out the the position as as have most as do most at this point.

00:29:26:28 - 00:29:34:15

Thank you. Thank, thank you very much. Mr. Sutton. All right. Um, say we now want to discussion on

00:29:38:12 - 00:29:43:14

and interested parties to say this is this is very much on the general principles of

00:29:45:14 - 00:30:08:17

compulsory acquisition. We do have some specific questions ourselves, but we feel that we should allow other interested parties here who wish to make representations today first to make them. Um, we have essentially got two main parties on that regard, which is Mr. Garvey and Mr. Thomas. Um, out of no, out of no particular order, Mr. Garvey.

00:30:09:19 - 00:30:43:16

Thank you very much. Says, um. I'm making representations on behalf of my clients in respect to Land Parcel 101, which is 3.78 hectares. Um, the my clients also own or control parcel 101 a I'm not making any representations of objections in respect to 101. A Um, Mrs. Hutton in her opening. Apologies if I misunderstood. Understood what she was indicating that think she indicated 101 A there's a voluntary agreement in place.

00:30:44:17 - 00:30:46:02

Apologies if I misunderstood that.

00:30:48:08 - 00:30:48:28

Please, Mrs. Hutton.

00:30:49:00 - 00:30:51:26

Yes, thank you, Laura Beth Hutton, for the applicant.

00:30:53:20 - 00:31:03:06

Apologies if there was any confusion. The explanation was that positive progress has been made. Not that there is an agreement in place, but we are. We are hopeful that one will be reached very soon.

00:31:03:21 - 00:31:04:06

Thank you.

00:31:05:00 - 00:31:24:05

Apologies misunderstood. Well, that is. I don't dispute that, but I'm not making an objection. Respect to one on one? A Yeah, at this point, I predominantly got two questions which the applicant may be able to assist us with. The first is what is plot 101 being sought for?

00:31:25:24 - 00:31:59:05

And the second question is, where is the justification for this? So to expand on that, the draft order at page 71 identifies plots 101. And it tells us that that's for the construction lay down sites and stockpiling areas for topsoil and subsoil material and construction of temporary whole roads, including access in connection with the works to junction two of the M60 nine motorway.

00:32:00:00 - 00:32:35:11

So in in short, it's suggesting it's the temporary use of the land for the storage of materials. Construction of a temporary haul road and for access the statement of reasons that accompanies the draft order that doesn't align with that description in the draft order. The statement of Reasons and it's page 46 lists site 101 and provides a different description which includes the construction of a slip road, for example.

00:32:35:27 - 00:33:13:18

Now, I think the disparity between those two descriptions is that the statement of reasons relates to a broader area of land, not just one one, which is work number nine. And I think that's why the description, the statement of reasons description doesn't align with the draft. And the simple point is, is my client right to understand that the description in the draft order, it's the description read out that is accurately describing what the land is being sought for and not what's in the statement of reasons.

00:33:14:01 - 00:33:51:22

And so that's that's question number one. And question number two, which flows from that is my client is struggling to find where it is set out. Why specifically plot 101 is being sought, and the only justification they can find is that description within the draft order itself, which is again what I read out. If we've misunderstood that and there is a document or otherwise which specific to my client's

land describes why that is required, could we be directed towards that? So those are my two preliminary questions.

00:33:51:24 - 00:33:52:09

Thank you.

00:33:54:23 - 00:33:55:15

Mrs. Hutton.

00:33:57:03 - 00:34:05:05

Thank you. Laura. Beth Hutton for the applicant. Um, if may deal with both questions together. If could, um.

00:34:07:00 - 00:34:41:25

Mr. Garvey is correct in that the the explanation in the draft development consent order is accurate. And. The temporary compound is required for use in connection with construction of both of works number eight and nine and. In the Appendix one to the statement of reasons. The applicant's approach has been to broadly describe the.

00:34:43:01 - 00:35:16:00

The type, the work area, if you like. And actually the applicant has noted the the appendix in this regard does incorrectly only refer to work number eight and should also refer to work number nine. Apologies. It's the other way round. Refers to two work number nine and should also refer to work number eight. And to be absolutely clear, the the land plans clearly show the the extent of the slip road itself through what is clearly required as permanent acquisition, i.e.

00:35:16:02 - 00:35:46:02

plot number 101A rather than 101. Um, we perhaps can can update the appendix to the statement of reasons to to further clarify precisely the work areas required for for the temporary compound area. Um, the applicant's approach in terms of explaining which what each parcel is required for has been to do that in the in the appendix.

00:35:46:04 - 00:35:50:00

So that is a location of that explanation in the documents.

00:35:50:02 - 00:35:52:20

I think that would be beneficial.

00:35:52:22 - 00:35:54:27

Mr. Garvey is in response to that.

00:35:55:16 - 00:36:15:18

Thank you, sir. I don't think that answers my second question, sir, because my question is, where's the justification for why the land is required? Were directed to the statement of reasons, which I think Mr. Sutton is accepting the statement reasons. It doesn't accurately reflect why my client's land in specifically 101 is is needed.

00:36:15:28 - 00:36:48:05

I think that's more heading off the general case into the specific which which we've got scheduled for November rather than today. No, I'm happy to deal with it to an extent. But if the if the applicant is happy to respond, but it could well, it's not fair on the applicant for a general case to do. Look at the individual plots which we have scheduled for November. Clearly it's a matter for the applicant and

Mrs. Hartman as to whether you want to take it any further today or whether you wish to essentially wait until we when we are going to specifically deal with it in November.

00:36:48:07 - 00:36:48:22

I

00:36:50:09 - 00:37:13:14

think in terms of detail specifics, we would wait as say, the appendix itself is intended to explain what the plots are required for. And of course, the applicant is also speaking directly with the landowners in connection with with the temporary use of that plot, as well as the permanent acquisition, to which I understand there is no objection.

00:37:13:16 - 00:37:14:01

I

00:37:15:09 - 00:37:17:15

think we've probably taken that as far as we can today.

00:37:19:20 - 00:37:38:14

And so can I make one final point on that? And it is a broader point. So I think what I'd take from that, the appendix one is going to be updated to deal with a new statement of reasons which will assist my client come November. It would be helpful.

00:37:40:29 - 00:37:53:07

Not just in respect to my client's side, but broadly if it's understood that when the works are relating to temporary acquisition, that consideration is given to why.

00:37:54:23 - 00:38:24:04

What is the quantum of materials that are beings that that they anticipate will be required and hence what is the area that will be required to the storage of those materials? Two What, if any, alternatives have been considered? And thirdly, to what extent is access required, not just across my client site, but just broadly when land is being sought for temporary purposes.

00:38:26:15 - 00:38:38:14

And we don't want to delve in specifics, but my client is somewhat punching at fog when they don't have any any of this sort of information. And hopefully come November, there'll be some clarification of that.

00:38:40:02 - 00:39:01:24

Obviously. Mrs.. And the applicant has heard those comments. So obviously the update to appendix one, which we've been advised is coming our way, may well help in clarifying that. And you obviously have heard it and may well be able to be short circuited before we come to it in November. Who knows? Let's be optimistic. Okay.

00:39:03:14 - 00:39:10:07

Mr. Thomas, believe you, you were sort of second, as it were, also to speak on this particular item.

00:39:11:04 - 00:39:53:09

Yes. Thank you, sir. My points largely mirror those made by Mr. Garvey, but I'm speaking on behalf of a consortium of land promoters, including Bar, Woodland and Park Strategic Land, as well as Mr. Jennifer Taylor. The land in question, which we're concerned about and is owned by Ms.. Taylor and is currently a subject to compulsory powers of temporary possession in the draft DCO. It's identified

as plot 122 on Land plan seven, and it's the rectangular doughnut shaped piece of land shaded yellow, approximately 1.5 acres.

00:39:54:10 - 00:40:31:08

Um, the only information we can see and again, it's, it's a similar question that was posed previously about why it's being required is for a construction compound and lay down area in connection with works on the Hinckley Road and the alterations of the junction of the Hinckley Road and Stanton Lane, including access. Um we can see nowhere in the statement of reasons or anywhere else the sort of the justification for why plot two, two, one, two, two and its particular size or shape it is required.

00:40:31:10 - 00:40:39:12

So again, just that question to the applicant. Is that set out anywhere? And if not, can it be.

00:40:43:25 - 00:40:54:27

Which is just what Thomas said, because you probably won't be able to see. But the minister is talking to a colleague for a few seconds. Think she's now able to respond? Mrs. Hatton.

00:40:56:20 - 00:40:59:27

Thank you, Laura Bretherton, for the applicant and

00:41:01:19 - 00:41:25:12

similar similar response in that the appendix one to the submitted reasons is intended to explain the purpose for which the parcels are required. And again, we will look at that in terms of further explanation. And again, with regard to detail specifics, perhaps we can update at the next hearing and the applicant would just make the point as, as with the

00:41:27:19 - 00:41:45:29

the previous discussion, the applicant has met the landowner has explained that the reason for the the temporary possession powers in in more detail and we can update the statement of reasons as as mentioned to to reflect this.

00:41:47:12 - 00:41:49:26

Thank you, Mr. Thomas. Do you want to say anything else in response to that?

00:41:50:15 - 00:42:25:00

No. Just to reiterate, point's already made that when further information is provided in the statement of reasons that that includes some detail about the likely quantities of material, some explanation in writing as to why the land at 122 is drawn in that way. It's it's an odd shape. It's a doughnut shape. It seems to exclude an area of land owned by Mr. Taylor from the remainder of her landholding. It seems rather excessive considering the the highways works, which it's linked to in terms of a related construction compound.

00:42:25:02 - 00:42:45:00

So appreciate that that risk is getting into the specifics about this particular plot. But certainly quite a few general observations from us as to why that land in that shape and size is required. And further detail justification is welcome and we can no doubt get into that in November if needs be.

00:42:46:16 - 00:42:54:04

Thank you, Mr. Thomas. Obviously, the applicant has heard that. And I'm sure Mrs. Hutton and the team will be responding to that in due course. This happening.

00:42:55:04 - 00:43:13:07

Thank you, Laura Bretherton, for the applicant. That's correct. And I think in any event, we will have dealt with the items in advance of that because we'll be responding to the points made in the relevant representations, which is of course due at Deadline one in any event. And Mr. Wallace would also like to make a point on behalf of the applicant.

00:43:14:16 - 00:43:15:01

Please.

00:43:18:09 - 00:43:30:26

Yeah. So Jonathan Wallace tried to act symmetry just to explain that the the the exact detail of why the doughnut shape has been explained to to the landowner's agent.

00:43:32:04 - 00:43:38:21

That may well be the case, but we needed it to be part of the examination as well so that we could understand it as much as they do.

00:43:41:01 - 00:43:41:21

Thank you.

00:43:43:03 - 00:43:56:00

How does anybody else wish to make any other points on this item of the agenda? There's a few points we want to raise, but they're just saying it's anybody else wants to raise anything else on this item.

00:43:57:25 - 00:43:58:12

Okay.

00:44:01:03 - 00:44:02:04

One of one of them.

00:44:02:06 - 00:44:40:22

We want to have a discussion about the land arrangements because obviously we've heard that you've gone to these arrangements with various and arranged contracts with people and we want to know what the scenario should occur, where the contracts were not adhered to or otherwise set aside. For example, if the freeholder owns the land within the land where agreement has been reached, do not grant and lease or sale or sale of land in accordance with the terms of the completed option agreements or the contracting party dies or subject to divorce proceedings or is declare insolvent.

00:44:41:11 - 00:44:55:09

And obviously that would possibly happen with the but possibly even with individual companies when the cemetery group because obviously they do own some parts of the parcel of the land which are in these terms, you put in similar arrangements.

00:44:58:23 - 00:45:00:19

Laura Beth Hudson For the applicant,

00:45:02:20 - 00:45:26:23

it's quite right that the applicant has taken the deliberate approach that contrary to to the approach taken in many other orders or compulsory compulsory purchase orders and full powers are sought in the event that the voluntary arrangements do fail and the applicant

00:45:28:24 - 00:45:40:12

has taken the approach that it would in order to deliberately reduce the extent of power sought because it didn't feel appropriate to

00:45:42:00 - 00:46:01:14

to to apply for full powers. And clearly the applicant is used to dealing with voluntary arrangements in in many other of its development scenarios where it has no such compulsory acquisition powers and has been content to approach this the development and land assembly of this site in the same way.

00:46:03:08 - 00:46:28:14

Now obviously we may be in the position that you. You those ranges very beautifully for two of the main rounds, but they don't for one. And Kaylee, what arrangements would be we're trying to understand to ensure that if the development consent is granted that the Secretary State can be satisfied, the whole development would take place and it wasn't going to be delayed because of a land contract problem.

00:46:30:18 - 00:46:58:19

Laura Beth Hutton for the applicant, I think it's fair to say the applicant doesn't. It clearly doesn't envisage that scenario. The one example where it has sought to sort of seek backup powers, if you like, is relates to two leasehold interests in the middle of the site, which are plots 28 and 29. I believe just in the event that the freeholder doesn't deliver or is not able to deliver vacant possession in respect of those particular interests. And.

00:47:03:29 - 00:47:09:16

That's fine. Does anybody else want to make any comments on that particular arrangement?

00:47:15:20 - 00:47:17:16

Wish to say anything.

00:47:18:11 - 00:47:20:03

You're one of your colleagues wishes to say on this.

00:47:25:27 - 00:47:46:13

Obviously we are you know, you'll be aware, as others have, even with contracts in place, have got cited for whatever reason to go for compulsory acquisition and therefore you are running the risk that it does. And we would obviously report that you have that risk. The development, therefore, that risk does exist, which may or may not affect the Secretary of State's consideration.

00:47:47:24 - 00:48:06:26

Laura Barton For the applicant and think the the applicant is aware of the risk and is confident that it won't apply. It hasn't had any experience in its development history of such contracts failing. And indeed this is the approach is consistent with other

00:48:08:12 - 00:48:16:26

DCS where they are promoted by commercial developers who are comfortable on relying on those more normal scenarios.

00:48:19:09 - 00:48:19:25

Thank you.

00:48:21:18 - 00:48:24:00

The next time we would like to discuss this human rights.

00:48:25:27 - 00:48:51:07

You will be aware any decision would be subject to the Human Rights Act, and the three articles are particularly relevant to planning decisions. One we would like some more information relates to our that is Article eight and in particular that everyone has the right to respect for private and family life. His home in his correspondence. We're not clear from the documentation that's been submitted that the number of dwellings and caravans currently on site,

00:48:52:23 - 00:49:26:21

which we understand would all be demolished or removed, the number of them are occupied and how many would be subject to compulsory acquisition as opposed to any other interference with land rights. You may not be able to the answers here and now, but we could. Could we have could you provide us with information on those? In other words, the number of dwellings? The number of caravans. The number of those individually by caravan and or dwellings that are currently occupied and how many would be subject to compulsory acquisition.

00:49:29:07 - 00:49:32:00

And and also similarly.

00:49:33:22 - 00:49:34:21

How many.

00:49:34:26 - 00:49:35:11

Would.

00:49:35:13 - 00:49:47:20

Of those would be subject to temporary temporary position with rights to the clean title apart from the freeholder? Could that can that can that be arranged, please?

00:49:48:22 - 00:49:55:24

Laura Beth Hudson for the applicant. Absolutely. We can we can do that and we will provide that information with our post hearing submissions.

00:49:57:00 - 00:49:58:02

Does that does anybody.

00:49:58:04 - 00:50:00:11

Else want to make any comments on that particular point?

00:50:03:09 - 00:50:05:03

Okay. Um.

00:50:07:26 - 00:50:39:23

I think that completes that item. Item two. I know it's a bit early, but there are some of the issues that we've got on the next category at night and might go on for a bit on special category land because there's 1 or 2 issues in there which are slightly more complicated than the maps would be otherwise. So I'm thinking we might have an adjournment at this point. I know it's a bit early, but having German bearing in mind that some people have been online for half an hour longer than those of us who have been sitting around this room, as it were.

00:50:40:12 - 00:50:48:00

So if we adjourn now until 11:10, so we'll adjourned until 1011. Thank you.