

CAPTIONS_CAH2_SESSION1_2023

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SUMMARY KEYWORDS

applicant, land, plot, hearing, compulsory, today, required, dco, questions, acquisition, compound, site, set, case, works, temporary, interference, representing, development, possession

00:05

Good afternoon, everyone. It's now two o'clock, and it's time for this hearing. To begin, I would like to welcome you all to the second compulsory acquisition hearing on the Hinkley national rail freight Interchange project. Can I just confirm that everybody can hear me clearly?

00:20

And can I confirm with the case team that the livestream and recording of this event has commenced, and being thumbs up from the back of the room? Thank you. My name is Robert Jackson. And I've been appointed by the Secretary of State to be the lead member of the panel to examine this application. I'm now going to ask my fellow panel members to introduce themselves.

00:38

My name is grim sword. I've been appointed by the Secretary of State to be a member of the panel to examine its application.

00:46

Good afternoon, my name is Matthew heron, 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 keeping a list of action points that we can run through at the end of the meeting. Thank you. Together we constitute the examining authority for this application. I'm going to deal with a few housekeeping matters for those attending in person. Can everyone please set all devices including phones and watches to silent at the toilets or out of the room on your left over there? And along the corridor? There are no planned fire drills today. So if the alarm goes off, please treat this as a real emergency. Follow the green emergency exit signs to the muster point outside. This meeting will follow the agenda published by the on the national infrastructure planning website on the 23rd of October 2023 examination Library Reference ev 10 hyphen, double 01. It would be helpful if you had a copy of the data in front of you.

01:41

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 relevant contributions have been made and all questions asked and responded to. But others discussions can't be concluded then it may be necessary.

01:57

Trust to prioritize matters and defer other matters to written questions. Likewise, you cannot ask the questions being asked require time to get the information requested, then please could you indicate and that you need time to respond in writing

02:11

as the here as for all the hearing so far this week, today's hearing is being undertaken in a blended way, meaning some of you are present with us in the hearing venue. And some of us are joining us virtually using Microsoft Teams will make sure that whoever you have decided to attend today will be given a fair opportunity to participate. A recording of today's hearing will be available on the Hinkley national rail freight interchange section of the national infrastructure planning website as soon as practicable after the hearing has finished. With this in mind, please ensure that you speak clearly into a microphone, setting your name and who you represent each time before you speak. First the microphone you need to press the button for it to work. The red light indicates that the microphone is live.

02:55

If you're not at the table with a microphone, and then there is a roving mic, table with microphone, there's a roving microphone. So please wait for that to be brought to you before you speak. A link to the planning spectris privacy

03:09

notice was provided at the notification of this hearing. We assume that everyone here today has familiarized themselves with the document, which establishes how the personal data of our customers is handled in accordance with the principles set out in the data protection laws. Please either speak to Mrs. Mr. William, Mrs. Williams or sorry, to Mrs. Davis or Mr. Parker. If you have any questions about this. As you'll be aware, we've already had a boss react position hearing back on the 14th of September 2023. Well, we dealt with the generality of the applicants case for compulsory acquisition and temporary possession. We do not intend to repeat that today. Although we do have an agenda item to deal with any updates.

03:50

I'm now going to ask Mr Saur to get participants today to introduce themselves.

03:55

Thank you Okay, Mr. Jackson, I'm now going to ask those of you who are participating in today's meeting to introduce yourselves. When I state your organization's name. Could you introduce yourself, state your name and who you represent and which agenda item you wish to speak on.

04:13

If you're 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. Please Could everybody also stay at the table they wish you wish to be addressed at Mr. Mrs. Ms. Miss?

04:35

Can we start with the applicant and that advisor someplace?

04:41

Good afternoon Mrs. Laura Beth Houghton I'm a solicitor and partner at eversheds Sutherland LLP, representing tritec symmetry Hinkley limited, I'll hand over to my colleague Mr. Male and then the rest of the applicant team to introduce themselves.

04:56

Good afternoon, sir Mr. Paul, male partner and solicitor

05:00

eversheds Sutherland I'll be representing the applicant.

05:07

In Sir David Baker, Baker rose representing the applicant

05:16

is Sinead Turnbull tritec symmetry the applicant?

05:23

Mr. Jonathan Wallace tried to oximetry the applicant.

05:27

Mr. Sam Carter, engineer for BW be advising the applicant on Highway engineering.

05:36

Thank you

05:39

could next move to the local authorities

05:44

starting with Hinckley and Bosworth?

05:47

Good afternoon sirs. Mr. Mike Parker. I'm a planning consultant for Hinckley and Bosworth Borough Council interested principally in agenda item five in that this is land owned by the Borough Council. We're really here to clarify any matters or answer any questions you may have.

06:06

Okay, moving on to Blaby District Council.

06:14

Good afternoon sighs Clementine Murphy on behalf of labor District Council. We're not planning to speak on any particular point on the agenda today but happy to answer any questions or queries that you may have.

06:26

Thank you. Leicestershire county council.

06:31

Good afternoon, says Rebecca Mrs. Rebecca Henderson representing Leicestershire county council as the local highway authority available to answer any questions. Thank you.

06:42

Hello, Miss Julie Thomas lustige. County council just here to answer any questions

06:52

back to free party's

06:54

national highways

06:58

the road address national highways here to answer any questions

07:06

and

07:08

moving on to interested parties

07:15

or strategic ones?

07:18

It afternoon sir. My name is Miss Stephanie Hall ha to the level and counsel instructed by Mr. Thomas who sits to my right of shoosmiths. And to my immediate right is Mr. Tom Collins of Mesa Jaime he's the Associate Director and Head of planning also representing Parker strategic land.

07:39

Thank you

07:44

Africa, someone representing Network Rail

07:51

Yes, hi, it's Chris Robinson, Senior Solutions intensive Dentons representing Network Rail I don't intend to speak to any of the agenda items.

08:01

Thank you.

08:05

Do we have anybody else that wishes to speak today

08:12

sir, Mrs. Horse already introduced myself but son in addition to speaking on behalf of park strategic land, I wish to speak on behalf of Mrs. Jennifer Taylor and also parks to your land and Barbara lands on behalf of those joint parties that agenda item for

08:28

thank you thank you

08:42

so if we can

08:44

move on to any other virtual attendees.

08:50

Anybody wish to speak today?

08:57

Thank you. So for move on to item two. Purpose of the hearing.

09:04

purpose of the meeting is to consider the matters and the detailed agenda which was published on the 23rd of October 2023.

09:13

As a general rule, it is not appropriate to display documents that haven't previously been submitted as part of the examination, 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 pitons examination library.

09:33

Applications for development consent orders are examined principally through the written process. However, hearings can be held examined matters where there's helpful to the examining authority.

09:45

This is a subject matter control agenda. This means that the matters for discussion today are those matters identified on the agenda.

09:57

necessary so as to give me the opportunity

10:00

To understand more fully the applicant's case and note that a number of affected persons have indicated that they wish to speak and we will also hear from them.

10:09

Participation is subject to the examining authorities power to control your hearing.

10:16

To assist us and help smooth running of the Meet meeting, speakers should ensure that the points are relevant that the agenda item and be plated to other speakers, please do not interrupt the interrupter this

10:30

examination is issues based someone speaks before you and puts a point that you agree with there is no need to repeat it is sufficient to say that you agree with the point made by the previous speaker. speakers who repeat minus that have already been put will be asked to move on to the next point.

10:49

Clearly, however, there may be similar points in relation to different pieces of land. Obviously, you'll need to refer to the same issue and the circumstances. SPEAKER So interrupt or discourteous to others will be warned. In such circumstances, it is important to be aware that none board of costs can be applied for a minute against a person who is behaving unreasonably, that repeated interruption or disruption of this meeting after a first request to stop is in principle deemed to be unreasonable behavior.

11:23

We are hopeful that we will be able to complete all items on the agenda for this compulsory acquisition hearing this afternoon. However, should this not prove possible, then there's the offseason for you to submit further statements in writing.

11:36

We are like we are likely issue written questions.

11:41

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

11:49

It that concludes the opening item on the agenda. So I'll hand back to Mr. Jackson to deal with the next state. Thank you, which is the applicants general case, the first item, we normally asked the applicant, we would ask the applicant to update us on any material changes that have occurred in relation to the general case, which since the last compulsory acquisition hearing in September, I'm sure I'll make a comment about Crown land. And we'll do any questions about that. We'll do it in item six. But it's any updates changes since September? Thank you.

12:23

Thank you, sir, Mrs. Laura Beth Hudson floor, the applicant. The applicant doesn't have updates to his general case. But there are updates to the status of discussions and negotiation with various parties. If you would like to use his time to go through those we can do that in writing

12:40

are the lb changes since the submission deadline to

12:45

just generality in the furthering of discussions and updates on progress, but I think probably not. But what I would say is clearly they may be material as we go through the agenda. And if so then please bring us up at that point in time. And when we get to the end of earthing, you're given the opportunities just in case there's anything which you feel is particularly pertinent that we need at this point in time, because that's probably the easy way to do it. Happy to do so lovely. Okay.

13:16

So now we move on to Item four, which is the individual cases. But this case with this item, we're going to start by giving each affected person who has prevented the opportunities to summarize its objection, the pros compulsory acquisition, which lawfully known as ca and or temporary possession, TP and or temporary possession with permanent rights TPR powers sought by the applicant in regard to their legislative and policy tests for CITP and TPR. This such as summer should take be no longer than five minutes, we will give the applicant the opportunity to respond in relation to each item each case made, again, not more than five minutes. If you haven't some questions of either party will out then ask them or if we want to clarify something during the presentations, then we'll ask and it won't create your time. And the effective, defected person will have the final right of reply.

14:09

If there's anybody here with an interested land who has not pre registered, if we have time, we'll hear from them after we've heard from those who have pre registered in a similar format.

14:19

The order I'm going to be thought would be appropriate to go through them for no other reason is based on the numbers on the lands plans stroke, the book of reference for those who are here. So our first effective person, those are those interested in plots 101101 a 102 and 103 are represented here today by Miss Stephanie Hall. These are on sheets four and five of the lands plans a PP 061 and AP p 062. That before you commence missile, there's something I'd like to clarify with between yourselves and the applicants. Could you please pull up the

15:00

At applicant, the relevant representation are 1027, please, which is the

15:09

plan appended to the affected persons relevant rep?

15:24

Thank you. Now what I'm going to ask people to note is obviously the field most of the field we're going to be talking about a minute is the, one of the most northerly on of that, on that particular plan. There is a about two thirds of the way to the east towards the west, there's a track which runs down North sort of in a mostly north south slightly with slightly westerly direction and then does a kick kick and then comes back in at southeasterly direction.

15:56

If so, obviously, the whole of the red line is the layer area with under the control of the affected person. If we then move over to

16:06

the

16:10

sheet four, please have

16:14

the lands plants

16:18

it's the right one.

16:22

And if we could go in down to the similar areas down down a bit please. It's the area which is in the big area and yeah, like but can you go in a bit please.

16:36

And it's definitely nicely on the left hand side of the yellow area is plot 100. Now that piece of land is on the areas of with the red wire in the annex one plan we looked at it a couple of minutes ago. If you go and look at the book of reference for that awful plot 100 This is described in the book of reference as 802 square meters or thereabouts of private accessway such situated to the south of Roseville Park Sackett. However, for all in the book of reference for all in the category one category two interests are described by the applicant is known. I'm not sure we do whether you're gonna be able to comment about this Miss hall or whether the applicant can or whether you can have a discussion about this later and then have an agreed statement to the examination. But the plussing question isn't shown for any

change in rights but it's shown for work nine and which briefly is for the various works associated with the reconfiguration of block junction two of the M 69.

17:44

So I'm really wanting to try with a clarity as to whether whether

17:50

the the objection letter is claiming rights over the land that he doesn't have rights on because nobody knows who the rights are. It doesn't have rights over those lands or the referencing has gone wrong. Or what and that's what I wanted to try and sort the hurt now this whole can you help help me?

18:09

So Stephanie Hall, parkas to Atlanta for the short answer is no.

18:15

But so we we will try I think it's a sort of thing we probably need to go away and look at our landownership rides for but

18:25

I think probably best left there and we can take this offline and discuss with the applicant.

18:31

Mr. Mr. Sutton, Isn't that fair comment from your point of view as well. Thank you, Mrs. Hudson for the applicant. We think it actually should be referring to public highway but we absolutely will take that away and discuss with with Parker strategic, I think 90 not 99 is clearly a bit of a hit but it's the it's the 100 is the one which is the it's got the question mark on it. understood it certainly needs clarifying sir. Thank you

19:03

so, Rebecca, and unless she can't answer our own and actually showed up and has dedicated public highways, that helps public highway which equal wouldn't be an unknown

19:19

agreed that's helpful and we'll take we'll

19:24

take it away. So they I think it looks like the three parties need to get together and try and sort that out.

19:31

As definitely hold back student land. Yes, we will. We'll do that very much. Okay. So right. So I'm gonna move on to

19:42

QA just obviously make make the point that if it is,

19:47

get late needed, can I just make a slightly more general point? It's not Christ precisely clear. From the work plans why plot 100 is needed for the works. You might want to think about whether it

20:00

is actually needed or not. If it isn't needed, one solution might be to exclude it from the order lands.

20:07

But obviously, if it is needed, then the and you've got a different rights than we might be having to get the may well be the

20:16

infrastructure, compulsory acquisition regulations would apply with the necessary implications. If that's the case, then and the applicant wishes can't get the relevant authority from the undersecretary no objection from the people from those who do own the land. We do have to go through that. And we'll need the applicant to set out a timetable by which that can be delivered, including all the necessary publicity before the close the examination. Is that clear? Laura Beth Hutton for the applicant, it certainly is clear. Thank you, sir.

20:50

I am being told and I think it is the case that it is required for access. But the point point in respect to the compulsory acquisition regulations is understood and agreed. Okay, thank you.

21:02

Obviously, I'm not sure whether you're able to confirm either way, Miss Hall at this point in time whether your clients have any objections to the use of Plata and 100. If you have any rights on it.

21:17

There's definitely impacts to the land again, the short answer is no.

21:22

So we'll take those points away if we if we may. Okay, thank you. Right now, I think we can go to the mall to the boys in question. But clearly, we've sorted that out.

21:34

As I understand it, your clients are not objecting to the compulsory acquisition of plots, one on a one a 102 and 103. But the objection relates to request for temporary possession of prop 101. Is that correct? That's definitely holdbacks. Dziedzic land. Yes, exactly. That's right, in which case, the floor is yours. Five minutes. Thank you very much. So Stephanie Hall, Parker strategic land. So you will have our initial written representations, the plan appended to which we've already seen, that's rep one, dash two one A's. And sir, in those written representations, a very similar case was written there, as was put forward at the previous compulsory acquisition hearing by my colleague, essentially, one we say no compelling case has been made out, particularly in relation to setting out a good reason for taking this

site, as opposed to any other B, we say, well, alternative means exists to bring about the scheme and see lack of consideration of alternatives to acquiring our particular piece of land.

22:41

So the short update is that after receiving the applicants response document to those written reps, which is rep one, zero 27, we say all of those three points still remain with some false, essentially, the applicant in their response, that one over 27 says, well, the justification is set out within a statement of reasons. They say it's justified because it would, using the main site for a construction compound would require interference with the B 4669. It wouldn't fit with their phasing. And they say, well, taking our land anyway wouldn't affect our plans for that land. That is, in a nutshell, their case as set out in the written reps. We say none of those really hold water. So I'll take them very briefly in general and obviously, flesh it out in our written reps, but, so, just in turn, firstly, justification for not using the main body of the site for construction compound, and therefore requiring land take outside and specifically my clients land. Well, the starting point we say is that I mean, that site is very large and can accommodate some construction works given that phase one is around 10 years before the last phase. So there is time before all of that development is built out to use that land sequentially and carefully. Highways works, but which plots will no one is said to be required are within phase A. So right at the front end of the development scheme. There's therefore quite a lot of land remaining, which could be used theoretically for construction compound that's not due to be built upon for a number of years and in later phases. So it is a choice to phase. The scheme in that way and not using the available land within the body of the site should be robustly justified it is

25:00

that choice, which has led to a claim for an interference with private interests. So I'll return to the degree of interference with private interests later. But essentially that that's what's required to be a compelling case. And the reason said, it is said that they can't use land in the main body as a site is twofold, one, the B 4669. So so that we handily got that plan upon the on the screen, and probably just use that you can see the B 4669 annotation in the in the far left of the screen. And I think what the applicant appears to be saying is that you can't put a construction compound on the green bit rather than the yellow bit, because you would have to use a B 4669. Now, just logically, we can't see how that would be the case.

25:56

Because the works that are being facilitated by the construction compound that we say could be on the green bits, rather than the yellow bits are the bits on the pink bit.

26:07

They we don't need to go across the 4669, we don't need to traverse it along its length to get to 101 A, which is where the slip road works are being constructed. So we don't understand that point. And we leave it to the applicant to perhaps explain that point a little further, but just make

26:26

the point that it requires further explanation.

26:30

And the second point raised by the applicant in their written record as to why they say they can't put the construction compound on the green land is in relation to phasing. And I think shortly they essentially say, well, lot, Phase A involves putting constructing some development platforms there and putting some sheds on it.

26:52

And well, the short points to us in that is well, that is a phasing choice by the applicants, we don't know what the rationale for that choice is. It's not a given without explanation that you need to put phase a shed there as opposed to anywhere else. There's a large balance of land. And we note that the bits being brought forward first is the bit furthest from the rail halt. And we don't know why that should necessarily be so. So against something and we asked the applicant to further justify but at the moment, neither of those reasons in and of themselves, use of the before 669 nor phasing without more justify the need for for interference with private rights

27:41

in terms of the scale of the interference. So just a final point about the robustness of the justification should necessarily be proportionate to the scale of interference. I understand that the applicants, we say is wrongly assumed that this is a minor interference with our London tourists because they seem to think that there'd be no clash between our development proposals and their project and the project requirements for the land. We have looked at the phasing put forward in chapter three of the EES,

28:22

which would we think see land drawdown in years nought to two, and Phase A then delivered across years three to five.

28:32

And article 30, put that together with article 32. So the rights that the applicant would have to hold the land that would permit them to hold on to it for a further year after completion of the works, for which the relevant land is obtained. So that's worth nine. If you add all that together, you get to six years from from consent being obtained. So a total of possible six years of our clients being out of possession. Now, it's not right to assume that we don't have any use for that land in those six years. We are actively working towards the submission of a planning application in concert with the council's regulation 19 draft local plan, which is due to be submitted in March 2025. So all being well,

29:26

that should see us get planning permission in line with that local emerging local plan sometime hopefully in 2025 and implementation shortly thereafter. Even if you allow for some hiccups along the way, we think you'd be looking to build something on this in 2026 2027. So basically wait three to four years before the DCO would see the drought the return of our land. So it is at the moment the consequence is to delay that development which is

30:00

I'm seen as required in the emerging local plan for a period of up to four years. So that is not just a consequence for our private landownership. Obviously, we'd be

30:10

inconvenienced by having to delay our proposals that isn't economic development with a with a burr stamp of approval and required as part of their employment land supply. So it has a wider economic effect. So that needs to be taken into account there in the scale that justification required for the interference. So I'm sure I'm well over my time left, I apologize. But thank you for bearing with me. Okay. Thank you Miss up in return in results.

30:41

This isn't for the applicant. I'm going to pass to Mr. Wallace, who has some, some responses. Thank you.

30:47

Yes, thank you, Jonathan Wallace for the applicant.

30:51

A number of points. So first of all, just taking the suitability of lot one on one for the for the temporary compound. And I would say that the word acquiring was used quite a lot over there. It is obviously a temporary compound. And there are we've set out the reasons why that that site is our preferred option over various others. We're very happy to sit down further to talk, Parker strategic through those in great detail. It really is. It's it's, it's a mixture of, of engineering of program of CDM that we have set out previously. But we will sit down and explain that in further detail as clearly that hasn't come across as well as it could have done. It's not it's not necessarily to miss Hall and her clients, it's to us as well. But that's so if that's required, then we will expand on it.

31:50

I think also that

31:52

the we are in active discussions with the landowner and their agent to try and resolve this. And we think that very good progress has been made such that we've actually agreed the terms for the the acquisition of plot 101 A, and it's only we feel the detail of the timing on 101. That is that that is a question. Obviously, from what has been said today, there might be more of a question than we realized.

32:24

I will just point out as well that that of course, the site isn't allocated at the moment. And of course, should it should the local authority decide to allocate it and planning permission come forward, then of course, the development will be wholly dependent on our delivery of the slippers on 101. A. So it is a it is of course the the yellow block 101 temporary compound that is required to build the very slippers that are required to deliver their scheme.

33:03

Thank you. Thank you is that that's that's the end of the case for our for the African missile, you have a right of reply as definitely ballpark a strategic plan. So just very quickly, in terms of the assertion that our development on plot 101 and beyond, is dependent upon the delivery of the slip roads. It's dependent upon the delivery of the slip roads. But there's more than one way to skin a cat. And this the tie tacks DCR is not the only way to deliver those slip roads, as I won't bore you with the technicalities. But there there is another development to the north east of this junction which has been promoted to the reg 19 local plan which would require delivery of those slip roads. So it's not that the only way of our development coming forward is with the tri tax development. That's not the case, as I just didn't want to leave that impression without correction. Otherwise. So thank you. I think that's less than being poked from my motives. So I think that that's all for me. Thank you very much. Thank you very much, Miss Hall.

34:11

Thank you, right.

34:13

The next one I have is national highways did indicate in that they might wish to speak on this at this compulsory acquisition hearing.

34:26

Mr. Molina Yeah, I do. Do you wish to make any

34:31

any representations to today or

34:36

read or is it more to do with the fact that different protective provisions were to agree they would have any objections would effectively fall away? Because if so, then we can have this better the discussions because it's tomorrow at the lshs on draft DCO Ambit if they go beyond falling away with protect if

34:55

there was something beyond the projected revisions agreement

35:00

More than happy to hear you today know precisely that. So, nothing further to add today. Thank you. Okay fine now

35:13

the next one I have got numerically are plots 120 and 121, which are on sheet three of the lands plans. These are the four within Hinckley and Bosworth borough Council's purview.

35:33

Mr. Bond, could I believe you're speaking on behalf of the council? Is that correct?

35:40

Yes, that's correct. So

35:42

you have five minutes, if you wish, if you say wish.

35:48

Yes, thank you. So I hadn't anticipated raising any particular concerns, other than one of a factual correction. And that's that the applicant has provided a revised plan, I think, as invited by you. So the previous meetings to reduce the land take to 200 square meters. But that doesn't seem to have been reflected in the book of reference, which still has, I believe, the original extent of the plots, and it really just needs to be squared off between the two.

36:21

That's all I wanted to say. Thank you, sir. Thank you,

36:25

Mrs. Allen.

36:27

Thank you, Laura. Beth Hutton for the applicant. The plan that was provided and appended to the applicants post hearing submissions from compulsory acquisition hearing one was a plan that was to demonstrate that the bridleway connection works, both permanent and temporary works, could be and will be delivered within less than 200 square meters, the precise location of the connection is still not fixed, which is the reason the land plans in the book of reference haven't been updated. So the update to the to the draft DCO, that was provided at line two, added some further clarification to the temporary possession articles, which we'll make may or may not deal with tomorrow in the DCO hearing, but that was to further clarify the area of land required for the works to provide the comfort and certainty that the full extent of plots 121 21 are not required. But the flexibility to provide the connection anywhere within those plots, subject to the 200 square meter limit. Is there.

37:39

Mr. Barker, do you have? Do you have any any comment you wish to make? And in response to that?

37:47

No. So I'm happy that the matter is left in your hands. Thank you very much.

37:53

Which we mean we can move on to Mr. Thomas, who's representing those with interest on the plots identified in figure one of our 1028 probably easiest if we get that out first, so we're everybody's got that orientated?

38:30

That's actually the next that's the next plan. I was the, the

38:36

sorry, but he does he does what he does what we need for the purposes of this, I think most people and everybody knows where it is. So definitely. So

38:45

it's plots 122 in the on the last plans. So you Miss Thomas, you have five minutes. Thank you, sir. Well, Thomas shoosmiths on behalf of Mrs. Jennifer Taylor, under the consortium of landowners and promoters consisting of Parker strategic land and bar with land.

39:05

Obviously, bought 122 is proposed to be taken temporarily for construction compound. Obviously, similar to plot 101, which Mr. Hall has recently spoken about. So, so my points will overlap with hers.

39:22

But in essence, that plot is owned by Mrs. Taylor

39:27

and it's proposed temporary acquisition is objected to buy her in the consortium

39:33

are written representations at rep one dash 217 sets out our our arguments as to why that is objected to, in short, that there is no compelling case for its temporary acquisition. Alternative means exist to bring about scheme using land elsewhere.

39:55

general lack of consideration of alternatives

40:00

Like with plot one one, the applicant has responded to those points in their response document rap 1027.

40:09

And their responses is purely about the justification it sets out in the statement of reasons that this location is justified because it is quite closest and most suitable, close quote, location for temporary construction compound associated with the traffic lights and junction works at the Stanton Lane include junction, and that temporary possession wouldn't interfere with the Consortium's development plans. So, taking those points in turn,

40:42

stating the reasons that says nothing specifically, about block one two to think of the last compulsory acquisition hearing, we raised concerns about the general lack of analysis or justification for why that plot is the most suitable.

40:58

It is approximately 1.5 acres of land.

41:02

And it's proposed to be required for a relatively minor traffic signal junction improvement works. Without any detailed justification or analysis that clearly appears excessive.

41:14

The applicant has also said that the shape of the plant has been carefully drawn to minimize impacts. In particular, I suppose sort of rectangular doughnut shape has been drawn to allow appropriate access in a way which avoids hedgerow removal. And that exclusive possession of the access way, which I presume is the northern and eastern eastern and southern limbs of the day notes as it were, will not be exclusive possession. However, article 30 of the draft DCO does not refer to non exclusive possession, the applicant admits that the field in the center would be isolated. In light of this, it is hard to see how plot 122 as drawn is the most suitable shape and location for social compound. Clearly there is a significant interference with Mrs. Taylor's land due to the size the shape of the plants. And it's surprising that no other size or shape could be taken which would constitute a much less interference while simultaneously providing appropriate access. In particular, the applicants response says nothing about the possibility of using the main sites. For the meat for the reasons rehearse by Miss Hall, there is plenty of space within the main body of the DCA scheme site to accommodate construction compounds. Only vague comments about the land being closest and most suitable are given.

42:42

And even if the applicant word successfully argued that greater proximity justifies a compound in this area.

42:52

The points or sounds about why it's been shown the shape and this particular size, I mean, they're clearly have obvious alternatives in the area that would pose lesser interference. One potential one would be the broad verge outside the sabko garden center,

43:11

identified as plot 125, on land plan seven, it's already proposed that that is going to fall within the DCA Red Line boundary and the subject so you can poultry pass and acquisition. There's some nine meters wide, 200 meters long.

43:26

And surely, that can accommodate some element of construction compounds storage, perhaps in conjunction with land within the main site. So our case says that there's clearly reasonable alternatives and they haven't been adequately considered. And plot one TT appears to be a convenient location that does not demonstrate a compelling case in the public interest.

43:48

And finally, so just from the point of interference with the consortiums plans for development of the the wider site web site, to the sort of north with, which once you two forms apart, it's obviously been promoted to the draft like plan for

44:05

sort of a large residential scheme up to 5000 dwellings.

44:10

Again, as with the plans were plot 101. The the sort of the aim of the consortium is to progress and application alongside the local plan process and hopefully see permission granted in 2025 or thereabouts an implementation shortly after. So similarly, the draft DCO, as set out could require the plot one to two to be held for some years after

44:46

the consortium would hope to be on site developing out the proposed scheme. So thank you very much.

44:54

Mrs. Hill.

44:55

Thank you, Laura Beth Hudson for the applicants and thank you for those coming.

45:00

And the applicant has heard them and and is continuing to work with the with the landowners agent in connection with the temporary compound area.

45:11

The applicant clearly stands by its response to the to the relevant representation the shape has been was carefully considered

45:20

with the applicant team including the ecologist and has been deliberately drawn to avoid removal of hedgerows, etc. The shape in particular is is to make use of existing access tracks and allow sufficient circulation etc. For the for the compound for the construction vehicles.

45:40

As I say the applicant has had a suggestion as and will continue to work with with the landowner and their and their agent. What do you say about the points that you will effectively sterilize the central area of the site?

45:53

Laura Betterton for the applicant, as indicated in the response to the to the representation and as part of the conversations with the agent, the intention is not to have exclusive possession of the track and therefore leave that sort of center of the of the shape

46:11

unusable by the by the owner.

46:14

But we do accept clearly that the power in the DCO at the moment does not reflect that the intention is that the Voluntary Arrangement that we are hoping to conclude we'll deal with that.

46:27

And we'll continue to work to achieve that.

46:32

Thank you, Mr. Thomas, you wish to respond to any of that.

46:36

Not nothing significance that other than my most recent instructions are that the level of interaction engagement has been limited from the applicant. So any suggestion of further discussions I think would be welcomed. Thank you.

46:52

Sir, if I may come back on that.

46:54

Just for your information. Could you put your name into that I do apologize. Jonathan Wallace tritec Cemetery, we have sat around the table on several occasions with with with the landowners agent and had plans out discussing this point and have gone backwards and forwards. So

47:11

to me that doesn't

47:14

indicate a lack of communication. Thank you. Okay, thank you.

47:20

Right. Before though, as you'll notice, there was one

47:25

one other plot the other is a B which is any points where other representations have been raised, which we would like to consider. And we would have a query relation to plot 16 and 17 which are opposite four corners on the southwest corner the order lands on sheet one of the lands plans if we could get that up and then go into it please.

47:59

Oh, stop, stop, stop going up, come down and it's over on the bottom of the DS that area down number 16. That's what we want. That's where we are.

48:09

The book of reference describes plot 16 which is more than point it as 42 square meters or thereabouts of septic tank and scrub land associated situations. The North Dakota and cost is Burbidge common Hinkley, the queer principally relates to the septic tank element. My the working assumption that I've got which may or may not be accurate, is that plot 70 must provide access from the dwellings to the septic tank in some way, shape or form.

48:37

The representation for one of the occupiers opposite is the CIP septic tank is still in use. And the query relates to what provision for drainage and maintenance would still be made. Obviously, there's still a human rights implication of ensuring that the piece of enjoyment the persons homes is not adversely affected through a since clearly a lack of drainage could be fairly fundamental to their personal enjoyment. And could you can ask the applicant app what their proposals are for this. And could they can it also explain how continue drainage for the occupiers of those or dwelling assuming they're putting that forward is to be secured in perpetuity in the development consent order?

49:17

Thank you, Laura Beth Hutton for the applicant.

49:21

As you can see from the book of reference plots 16 and 17 are unregistered. And the examining authority is quite right the septic tank is located on plot number 16.

49:32

The septic tank itself has

49:36

we understand potential discharge effects onto plot number 15 and has therefore been included in in the in the proposed powers sought to ensure that the applicant has control and is able to resolve any such pollutant issues.

49:52

If and when that plot is acquired by the applicant, it would grant rights to the owners of the properties which are served by the septic tank

50:00

And the applicant does understand that the plot itself is the subject of a pending application for registration by one of the owners. And clearly if that registered if that

50:12

application is accepted in an unregistered land registry, then the applicant will continue to liaise with the owners and to do with the necessary arrangements. But how could how

50:23

does the development consent order secure? The continued provision of the facility for drainage from the four cottages? It given that it's compulsory acquisition, you'd have the free title of the site?

50:37

No, Laura Beth Hudson, for the applicants. I think it was a very good point and thank you for making it the order itself does not specifically make make provision for that. So we will take that away and

50:51

and confirm whether we whether we should add particular provision in the order or

50:59

what would be the order is going to be the provider perform. Yeah. The point is taken very good.

51:11

I think that those are all the plots of land that

51:18

we I wish to make comment about just before we clear it. Is anybody else have any other plots that they wish to have considered at today's compulsory acquisition hearing?

51:34

And nothing online? I don't believe so. Thank you. We can now move on to Item fat, five special category land, which is obviously relates to the common as Burbidge comment special Catherine and

51:51

I'm interaction with section 132. And any material changes since the compulsory acquisition hearing one held on the 14th of September, this is happening.

52:02

Thank you, Laura Beth Hudson for the applicants. As I indicated earlier, the the main change, since the last hearing is the addition to the temporary possession provisions in the draft DCO submitted that deadline to to add further comfort around the extent of land that will be interfered with on a temporary basis.

52:24

And that is document number 3.1 be

52:30

the examination Library Reference fails, raters phoned me up.

52:35

The deadline to submissions haven't yet remains the examiner brisa. Thank you.

52:42

And then the further update is that the applicant has continued and is further in conversations with the Hinckley and Bosworth Borough Council around license arrangements to it to enable the provision of those connection works.

53:02

Since you're online, Mr. Parker, do you have any comments he wants to make on this?

53:08

Thank you. So Mike Parker for Hinckley and Bosworth Borough Council just to confirm what this is something has said there we are in conversations positively with the applicant regarding a potential license.

53:20

Thank you for that. Okay.

53:25

So we now move on to item six, which I suspect we quite quick. It's submissions that D one rep 1025 The applicant indicated desire to clarify the position so as to confirm that there was an in fact now no land that could properly be considered to be ground round for the purposes of Planning Act 2008. And my question is today is Does anybody have any difference of opinion on this?

53:49

In other words, doesn't even have a view that any part of the otter land does represent Crown land.

53:59

Silence is beautiful. Lovely. So we can do that as take that as though does makeup come with a different but obviously, they may put us in writing, but this is that for those sitting around that table here today.

54:11

Move on to item seven statutory undertakers. So what we would like the applicant to update is the latest position in respect of the operational land of statutory undertakers as to where it

54:23

was obtained agreement for the land to be acquired and whether there are and in what so outset what outstandings, are there matters that are still to be resolved, particularly in relation to Network Rail.

54:38

Thank you, Laura, Beth Hudson, for the applicant. All of the land arrangements largely aligned with discussions on the protective provisions, which I'm I don't know if you want to discuss that now or in tomorrow's hearing.

54:53

And

54:55

those discussions are positive and ongoing with regard specifically to network

55:00

Well, I'll pass over to Mr. Baker who has an update on land arrangement.

55:06

David Baker for the applicant.

55:09

We've agreed with Network Rail, that Network Rail understands that the applicant needs to reserve its rights to use CPO powers. And the Network Rail has agreed in principle that the applicant can use these as a last resort providing in so doing it does not risk either safety or compromised the operation of the roadway and the position will be dealt with in protective provisions and the framework agreement between the parties

55:42

think you

55:43

are out one other any other stat? Because obviously national how is this here? Is there anything you want to say at this point?

55:50

And SEMA data national highways nothing at this point? And it's anything from Leicestershire county council.

55:57

Back hence the Leicestershire county council, nothing at this point. Thank you. Thank you very much. Okay. In which case, can I ask at 10 to Mr. swore to to do dealing with item eight funding.

56:09

Thank you.

56:11

My look might be a little bit of deja vu about this question.

56:17

Section 6.1 of the revised funding statement sets out that there will not be any business extinguishment costs in relation to the compulsory acquisition of land and property relating to the proposal. However, it is noted from a site inspection that what house farm has a shop.

56:35

In addition plot reference 35 and the book of reference includes the weeping willows, which houses commercial dog boarding and grooming. Can the applicant explain what the situation is in relation to business extinguishment are really all relocation for both of these properties?

56:56

Thank you, Laura Beth Hutton for the applicants. So there are businesses which trade on the site, but they are all on land, which is a subject of voluntary agreements with the landowners, which require the landowners to deliver vacant possession to the applicant as part of that agreement.

57:13

The applicant is endeavoring to seek further detail around the precise leasehold and license arrangements in order to consider whether any amendment to the funding statement is required. But it isn't anticipated that that needs to be reflected at this at this point.

57:31

Thank you.

57:33

And can the applicant update

57:36

the examining authority as its as to its latest position in respect of funding?

57:43

Thank you, Laura Beth Hutton for the applicant at the African has no update since the funding statements submitted that deadline one, which is document 4.2. A rep 1007 for the clean version and rep 1008 for the track version, as confirmed at the previous hearing the applicant will is keeping it under review and will update as necessary during the examination.

58:08

Okay, thank you.

58:10

Ron, back to Mr. Jackson. So unless anybody else has anything else to raise at this compulsory acquisition hearing

58:19

around nobody's doing anything, I'm pleased to say that therefore.

58:24

Oh, yes, sorry. Yes. The applicant has got it. Yes, sir. Thank you, Mr. Jackson. Oh, yeah. Laura Beth Hudson, for the applicant. I just wanted to make a point the applicant has noticed that it's compulsory acquisition schedule submitted a deadline to does have a few errors in it or which it does apologize. And those errors will be corrected and there's the schedule be resubmitted at a deadline three

58:47

actually, there was one question which I've said something as never to deserve that deadline two's revised land planners sheet one which is that assumes the around the bridge, I'm just trying to work out where could you just muscle do it today is tomorrow, where are we as far as that area is concerned?

59:06

Thank you, Laura Beth Hudson for the applicant for this relates to plot 22 A which was an amendment made to correct the Network Rail ownership boundary as Network Rail ad network Wales specific request. So, the position is that that plot is now included as a pink plot on the land plans. The plot itself is however,

59:35

also at the moments registered to the adjoining owner of plot number 22. So the book of reference reflect both Network Rail and the owner of 22 as reputed owners, and clearly that uncertain position is the need for the full acquisition to ensure that the applicant has the necessary control. That is also agreed with network round. So where are we as to

1:00:00

industry Acquisition Regulations

1:00:04

that Laura Bethan for the applicant given that the request was made, that the amendment is made at the request of Network Rail, and they will be the only necessary party requiring any consultation. The applicant does not consider any, that the regulations are encased in that any consultation is required. But I would need some that I need something in writing from Network Rail and I'm going to need it sooner rather than later. Otherwise, we're going to have to go down the hall regulate regulations five to 19 route.

1:00:37

Law better I don't know when that's going to be submitted. Because if it isn't submitted by deadline, three, I think we're gonna have a problem. That is understood and agreed and Mr. Robinson on online may be able to, to correct me a bit. We are working with the applicant and I have requested, I believe we have requested that if we haven't, we absolutely will. And that and that will be hopefully submitted for deadlines. Mr. Ramos in your online so can you can you assist? Yeah, I can confirm that. That's that's certainly reflects the discussions we've had and that something can be prepared by now around for that deadline. Thank you. Essentially, what I need is that what really is content for that land to be to

be compulsorily acquired. If we have that then we don't have to go down the route set out in the relevant regulations. Understood, bank you

1:01:25

mean done that

1:01:27

should be two items haven't said.

1:01:29

Anything else in which case thank you everybody, for your attendance today. Thank you for though, the last time we're going to be physically together in a room. So thank you everybody for your attendance this week.

1:01:41

Obviously tomorrow morning, we do have a issue specific hearing on the drought or the consent order but that being is being done virtually, as I understand it, because this room is being taken out for a wedding. Given the size of it, it's going to be I hope it's going to be a good wedding.

1:01:56

So on that basis, thank you everybody very much for the this week for those I will see we will see your birthdate online tomorrow. For everybody else have a good weekend at this hearing is now closed.