

1

00:02:59,870 --> 00:03:03,640

Good afternoon. It's now 2:00 PM and time for this hearing. To begin,

2

00:03:05,080 --> 00:03:08,240

I would like to welcome you all to this issue specific hearing on the principle

3

00:03:08,240 --> 00:03:09,320

of the proposed development.

4

00:03:10,900 --> 00:03:12,840

Can I just confirm that everybody can hear me clearly?

5

00:03:14,160 --> 00:03:14,993

I

6

00:03:16,140 --> 00:03:17,440

Can. I also confirm with Ms.

7

00:03:17,440 --> 00:03:19,760

Allen that the live streaming of the event has commenced

8

00:03:22,100 --> 00:03:23,640

for those people watching the live stream.

9

00:03:24,340 --> 00:03:27,400

Can I also advise you that should we at any point adjourn proceedings this

10

00:03:27,400 --> 00:03:28,130

morning,

11

00:03:28,130 --> 00:03:32,800

we'll have to stop the live stream in order to give us clear recording files As

12

00:03:32,800 --> 00:03:33,220

a result,

13

00:03:33,220 --> 00:03:36,600

at the point of which we recommend the meeting and restart the live stream,

14

00:03:36,600 --> 00:03:40,680

you'll need to refresh your browser page to view, to view the restarted stream.

15

00:03:41,550 --> 00:03:43,640

I'll remind you of this again, should we need to adjourn

16

00:03:46,190 --> 00:03:47,000

this issue.

17

00:03:47,000 --> 00:03:49,840

Specific hearing on the principle of the proposed development is in relation to

18

00:03:49,840 --> 00:03:52,600

the application made by Ang and Water Services Limited,

19

00:03:53,540 --> 00:03:57,160

who we'll refer to as the applicant for an order granting development

20

00:03:57,160 --> 00:04:00,680

development consent for the Cambridge Wastewater treatment plant relocation

21

00:04:00,680 --> 00:04:04,170

project. Thank you for attending this hearing.

22

00:04:04,830 --> 00:04:05,850

My name is Alex Hudson.

23

00:04:06,270 --> 00:04:08,730

I'm a charter town planner and a chartered landscape planner.

24

00:04:09,390 --> 00:04:12,050

I'm a planning inspector employed by the planning Inspectorate,

25

00:04:12,670 --> 00:04:16,410

and I've been appointed by the Secretary State for leveling up

housing and

26

00:04:16,410 --> 00:04:19,770

communities to be the lead member of the panel to examine this application,

27

00:04:23,000 --> 00:04:26,060

I'm now going to ask the other panel members who've also been appointed by the

28

00:04:26,060 --> 00:04:29,700

same Sex Drew State to examine this application to introduce themselves.

29

00:04:30,730 --> 00:04:31,020

Good

30

00:04:31,020 --> 00:04:33,180

Afternoon. My name is Helena Reky.

31

00:04:33,280 --> 00:04:35,420

I'm a chartered town planner and planning inspector.

32

00:04:37,270 --> 00:04:37,560

Good

33

00:04:37,560 --> 00:04:38,760

Afternoon. My

34

00:04:38,760 --> 00:04:42,520

Name is Paul Burley. I'm a chartered town planner and planning inspector.

35

00:04:42,990 --> 00:04:44,360

I'll now hand back to Mr. Hudson.

36

00:04:46,240 --> 00:04:47,240

Together we constitute the,

37

00:04:47,380 --> 00:04:51,000

the examining authority for this application and we'll be reporting to the

38

00:04:51,280 --> 00:04:55,280

Secretary of State for Environment Food and Rural Affairs with recommendation as

39

00:04:55,280 --> 00:04:57,440

to whether the development consent order should be made.

40

00:04:59,610 --> 00:05:03,030

Can I begin by asking if there's anyone here who did not attend yesterday's

41

00:05:03,030 --> 00:05:05,590

preliminary meeting, the open floor hearing,

42

00:05:06,250 --> 00:05:10,270

or this morning's hearing on the draft D c O, either in personal or virtually,

43

00:05:11,290 --> 00:05:15,110

or watch the stream of this event? Um, if there are no new attendees,

44

00:05:15,110 --> 00:05:16,590

then I can shorten the housekeeping matters.

45

00:05:20,240 --> 00:05:23,650

Okay. You didn't watch you. Okay. That's fine. Thank you.

46

00:05:27,470 --> 00:05:31,580

The case manager for this project is Deborah Allen and she's being supported

47

00:05:31,580 --> 00:05:34,780

here today by Ramil Bernie, the case officer,

48

00:05:35,880 --> 00:05:39,580

and Phoebe Chalice and Rebecca Evans are providing remote supports remotely,

49

00:05:41,280 --> 00:05:44,500

as I mentioned. Excuse me. As I mentioned, Ms.

50

00:05:44,500 --> 00:05:47,220

Allen is the case manager and is the person you're most likely to come into

51

00:05:47,220 --> 00:05:49,540

contact with during the course of the examination.

52

00:05:51,190 --> 00:05:51,410

If

53

00:05:51,410 --> 00:05:55,450

You have any questions or queries about the examination process or technology

54

00:05:55,460 --> 00:05:59,000

we're using for blended or virtual, she should be your first point of contact.

55

00:06:01,100 --> 00:06:04,400

The case Team d contact details can be found at the top of the letter.

56

00:06:04,500 --> 00:06:08,040

If you have received from us or on the project page of the national

57

00:06:08,040 --> 00:06:09,000

infrastructure website,

58

00:06:10,110 --> 00:06:10,530

Please

59

00:06:10,530 --> 00:06:13,490

Don't hesitate to contact remember of the team if you need help at today's event

60

00:06:13,510 --> 00:06:14,490

or with the technology.

61

00:06:17,080 --> 00:06:20,810

This is a blended event comprising an in-person meeting as well as being held on

62

00:06:20,810 --> 00:06:24,890

the Microsoft Teams platform. It is being both live streamed and recorded

63

00:06:26,530 --> 00:06:29,190

for those people observing or participating through teams.

64

00:06:29,930 --> 00:06:31,430

In order to minimize background noise,

65

00:06:31,490 --> 00:06:33,950

can you please make sure that you stay muted unless you're speaking?

66

00:06:35,890 --> 00:06:36,150

If

67

00:06:36,150 --> 00:06:39,270

You are participating virtually and you wish to speak at the relevant points in

68

00:06:39,270 --> 00:06:42,630

the proceedings, please use Microsoft Teams hands up function,

69

00:06:44,430 --> 00:06:47,750

although be advised that there may be a delay before we see it and please wait

70

00:06:47,750 --> 00:06:52,270

to be invited to speak or asked to speak at the appropriate time. Alternatively,

71

00:06:53,300 --> 00:06:53,720

Please

72

00:06:53,720 --> 00:06:56,440

Sit on your camera so that we can see that you wish to speak.

73

00:06:57,540 --> 00:07:00,560

Can I also remind people that the chat function on Microsoft Teams will not

74

00:07:00,560 --> 00:07:03,920

work? So please don't try to use this to ask questions or post comments.

75

00:07:05,750 --> 00:07:08,530

If you don't manage to ask your question or raise your point at the relevant

76

00:07:08,530 --> 00:07:10,650

point in time, there'll be an opportunity at the end of the meeting

77

00:07:12,000 --> 00:07:12,220

Or

78

00:07:12,220 --> 00:07:15,780

Hearing for you to raise this under item seven on the agenda and any other

79

00:07:15,780 --> 00:07:20,710

matters. 'cause the digital recordings we make are retained and published.

80

00:07:20,710 --> 00:07:23,470

They form a public record that cont that can con,

81

00:07:23,650 --> 00:07:27,510

can contain your personal information and to which the General Data Protection

82

00:07:27,510 --> 00:07:28,390

Regulations applies.

83

00:07:30,130 --> 00:07:33,550

The planning inspectors practice is retain and publish recordings for a period

84

00:07:33,550 --> 00:07:38,020

of five years from the Secretary of State's decision. Consequently,

85

00:07:38,440 --> 00:07:40,140

if you participate in today's hearing,

86

00:07:40,330 --> 00:07:44,020

it's important that you understand that you'll be live streamed and recorded and

87

00:07:44,020 --> 00:07:45,740

that the digital recording will be published.

88

00:07:47,280 --> 00:07:47,500

If

89

00:07:47,500 --> 00:07:48,820

You don't want your image to be recorded,

90

00:07:49,000 --> 00:07:52,660

you can switch off your camera For those in the room who don't want to be

91

00:07:52,860 --> 00:07:55,340

recorded, there is also an area outta camera shot.

92

00:07:57,070 --> 00:07:57,420

We'll

93

00:07:57,420 --> 00:08:00,460

Only ever ask for information to be placed on the public record that is

94

00:08:00,460 --> 00:08:03,420

important and relevant to the planning decision. Therefore,

95

00:08:03,420 --> 00:08:07,860

to envo to avoid the need to edit the digital recordings, what we'd ask,

96

00:08:07,890 --> 00:08:11,620

what we would ask is that you try your best not to add information to the public

97

00:08:11,620 --> 00:08:16,180

record that you would wish to keep private or that is confidential.

98

00:08:17,930 --> 00:08:19,950

If you feel that personal information is necessary,

99

00:08:20,130 --> 00:08:24,230

please provide this in a written document that we can redact before publication.

100

00:08:26,020 --> 00:08:28,630

Does anyone have any questions with regard to this matter?

101

00:08:34,110 --> 00:08:34,943

Okay,

102

00:08:35,230 --> 00:08:38,240

I'll now move on to deal with a few preliminary matters.

103

00:08:38,460 --> 00:08:39,640

For those attending in person,

104

00:08:41,340 --> 00:08:43,640

can everyone please set all devices and phones to silent?

105

00:08:44,970 --> 00:08:46,800

We're not expecting any fire alarms today.

106

00:08:47,860 --> 00:08:48,080

If

107

00:08:48,080 --> 00:08:49,400

The fire alarm does go off,

108

00:08:49,400 --> 00:08:53,440

then the procedure is to leave the room via any of the fire exits and exit the

109

00:08:53,520 --> 00:08:56,200

building by the main stairs and assemble at the front of the hotel

110

00:08:57,910 --> 00:09:01,200

toilets located in the lobby area and by the front reception desk.

111

00:09:04,080 --> 00:09:04,880
Um,

112
00:09:04,880 --> 00:09:09,180
we aim to take a short break to around 3:30 PM and any further
breaks as

113
00:09:09,180 --> 00:09:10,013
necessary.

114
00:09:12,210 --> 00:09:15,950
An audio recording of today's meet hearing will be available on the
project page

115
00:09:16,070 --> 00:09:18,950
of the National Infrastructure Planning website as soon as possible.

116
00:09:18,950 --> 00:09:22,010
After this hearing, with this in mind,

117
00:09:22,010 --> 00:09:24,450
please ensure that you speak clearly into a microphone.

118
00:09:25,470 --> 00:09:28,650
If you're not disabled with a microphone, there is a roving
microphone,

119
00:09:29,350 --> 00:09:31,170
so if you could wait for one of these before you speak,

120
00:09:31,630 --> 00:09:34,650
and then if you could state your name, whom you represent,

121
00:09:35,030 --> 00:09:38,410
if you're a representative, then that'd be helpful for us.

122
00:09:41,060 --> 00:09:45,480
If any individual or group wishes to use social media report, film,

123
00:09:45,540 --> 00:09:49,560
or record during today's event or any subsequent hearings,

124

00:09:49,950 --> 00:09:51,040

then they're free to do so.

125

00:09:51,380 --> 00:09:55,800

But please do so responsibly and with proper consideration for other parties.

126

00:09:56,790 --> 00:09:59,920

This must not be disruptive and the material must not be misused.

127

00:10:02,830 --> 00:10:05,880

This hearing will follow the agenda as published on the project page of the

128

00:10:06,000 --> 00:10:09,000

National Infrastructure Planning Websites on the 10th of October, 2023.

129

00:10:10,880 --> 00:10:15,060

You can also find the agenda available on the website in the examination library

130

00:10:15,280 --> 00:10:17,940

at reference EV oh oh five A.

131

00:10:20,760 --> 00:10:22,740

Uh, please have a copy of the agenda to hand.

132

00:10:23,440 --> 00:10:25,980

You'll see that we are currently on item one.

133

00:10:27,360 --> 00:10:28,740

The agenda is for guidance only,

134

00:10:29,560 --> 00:10:32,180

and we may add other considerations or issues as we progress.

135

00:10:33,590 --> 00:10:34,740

We'll conclude the hearing

136

00:10:36,260 --> 00:10:40,160

as soon as all relevant contributions have been made and all questions asked and

137

00:10:40,160 --> 00:10:43,920

responded to. But if the discussions can't be concluded,

138

00:10:44,750 --> 00:10:48,400

then it may be necessary for us to prioritize matters and defer other matters to

139

00:10:48,400 --> 00:10:50,800

further written questions. Likewise,

140

00:10:50,900 --> 00:10:54,560

if you cannot answer the questions being asked or require time to get the

141

00:10:54,560 --> 00:10:58,080

information requested, and you can indicate that you need to respond in writing,

142

00:11:00,580 --> 00:11:04,110

some of the questions that we may ask today may also appear in our first written

143

00:11:04,430 --> 00:11:08,820

questions, which are due to be published next week. If you,

144

00:11:09,000 --> 00:11:11,980

if you have answered the question in this hearing and will submit your written

145

00:11:11,980 --> 00:11:15,980

summary of your oral submissions to this hearing by deadline one,

146

00:11:16,750 --> 00:11:18,580

which is Monday the 23rd of November,

147

00:11:19,170 --> 00:11:22,780

then feel free to refer to this in your answer to the relevant question.

148

00:11:26,070 --> 00:11:27,100
Throughout this hearing,

149
00:11:27,390 --> 00:11:31,060
we'll likely referring to documents which you may wish to have access to. Um,

150
00:11:31,480 --> 00:11:36,220
we may also ask that these are shared on the ri on the large screens behind us,

151
00:11:36,880 --> 00:11:40,820
and these include, uh, the applicant's planning statement,

152
00:11:41,430 --> 00:11:44,660
which includes the Secretary of State Section 35 direction,

153
00:11:44,660 --> 00:11:46,980
which is reference as 1 28,

154
00:11:48,480 --> 00:11:52,980
the National Policy Statement for Wastewater and possibly the National Planning

155
00:11:53,000 --> 00:11:57,100
Policy Framework. Thank you.

156
00:11:58,850 --> 00:12:02,140
I've been provided by the case team with a list of those who've expressed a wish

157
00:12:02,140 --> 00:12:06,210
to speak today. They are people representing the following organizations,

158
00:12:07,350 --> 00:12:10,850
the Cambridge local authorities, which is Cambridge County Council,

159
00:12:11,400 --> 00:12:14,610
Cambridge City Council, and South Cambridge District Council,

160
00:12:16,230 --> 00:12:20,610

Holmes England Fe and Parish Council, C P R E,

161

00:12:20,610 --> 00:12:24,350
Cambridge and Peterborough Safe,

162

00:12:24,350 --> 00:12:28,340
honey Hill Group and Friends of the River Cam. Um,

163

00:12:28,370 --> 00:12:32,890
I've also been provided with the names of Indi individuals, uh,

164

00:12:33,070 --> 00:12:37,660
to speak today, and that is Liz Cotton

165

00:12:39,920 --> 00:12:44,770
and Mrs. Starkey. I'm not sure,

166

00:12:45,820 --> 00:12:46,653
She's,

167

00:12:47,030 --> 00:12:47,310
Uh,

168

00:12:47,310 --> 00:12:50,450
I'm now going to ask those who are participating today's meeting to
introduce

169

00:12:50,450 --> 00:12:54,210
yourselves. Uh, when I say your organization's name,

170

00:12:54,220 --> 00:12:57,290
could you introduce yourself by stating your name and who you
represent.

171

00:12:58,110 --> 00:13:00,370
Please could you also state how you wish to be addressed?

172

00:13:03,390 --> 00:13:05,970
Um, can we start please, with the applicant and any of its advisors?

173

00:13:11,670 --> 00:13:14,280

Very much, sir. Can I be heard easily?

174

00:13:14,900 --> 00:13:15,530

Yes.

175

00:13:15,530 --> 00:13:20,040

Thank you. My name is, uh, Morag Ellis Christian name is Spel,

176

00:13:20,320 --> 00:13:25,120

M O R A g. That's, uh, and I'm a KC. And, um,

177

00:13:25,620 --> 00:13:28,920

if, if you address me as Ms. Ellis for these purposes, please.

178

00:13:29,050 --> 00:13:32,360

Thank you very much. And, uh,

179

00:13:32,540 --> 00:13:35,040

the rest of my team will introduce themselves.

180

00:13:39,750 --> 00:13:44,680

Good afternoon. I'm John Bowles. I'm a town planner, charter town planner.

181

00:13:45,180 --> 00:13:50,120

I'm a director of savis and I act in that capacity as

182

00:13:50,320 --> 00:13:51,720

planning advisor to Anglia Water.

183

00:13:55,430 --> 00:13:59,680

Good afternoon. My name is John Calley and I'm here on behalf of the applicant.

184

00:14:03,990 --> 00:14:07,890

Um, good afternoon, Andrew Pryor. I'm a director at a OSS infrastructure. Uh,

185

00:14:07,990 --> 00:14:10,690

I'm a consultant supporting the applicant's.

186

00:14:13,280 --> 00:14:15,610
Good afternoon, Karen Barclay for the applicant.

187
00:14:24,300 --> 00:14:25,680
How, how would you prefer to be addressed?

188
00:14:27,070 --> 00:14:28,240
Karen's absolutely fine.

189
00:14:29,380 --> 00:14:31,000
Oh, miss or miss? Oh,

190
00:14:31,590 --> 00:14:32,720
MRSS Barclay. Thank you.

191
00:14:41,190 --> 00:14:45,580
Thank you. Um, can we now move on to, uh, organizations? Um,

192
00:14:46,240 --> 00:14:51,170
so Homes, England, I believe virtual, they're not, not,

193
00:14:51,170 --> 00:14:53,280
not here yet. Okay. Uh,

194
00:14:53,280 --> 00:14:56,640
if you could move on to the local authorities, please.

195
00:14:58,270 --> 00:15:00,720
Good afternoon, sir. My name is Selena Coun,

196
00:15:01,120 --> 00:15:04,720
c o l Q u h o U n. And you can address me as Miss,

197
00:15:05,140 --> 00:15:10,040
I'm council instructed by the Cambridge, Cambridge County Council,

198
00:15:10,700 --> 00:15:15,000
uh, south Cambridge, Cambridge District Council and Cambridge City Council.

199
00:15:15,180 --> 00:15:18,400

And I'll ask my team to introduce themselves. Thank you, sir.

200

00:15:19,470 --> 00:15:21,560

Good afternoon. Uh, I'm Caroline Hunt.

201

00:15:21,660 --> 00:15:25,360

I'm strategic planning manager for the Greater Cambridge Chair Planning service,

202

00:15:25,500 --> 00:15:29,840

so representing Cambridge City Council and South Cambridge District Council.

203

00:15:30,500 --> 00:15:33,600

Uh, and, uh, Mrs. Hunt is good for me. Thank you.

204

00:15:33,830 --> 00:15:34,663

Okay, thank you.

205

00:15:36,060 --> 00:15:37,720

Uh, good afternoon. My name's Stephen Kelly.

206

00:15:37,780 --> 00:15:40,920

I'm the joint Director of planning for the Greater Cambridge Shared Planning

207

00:15:40,920 --> 00:15:41,370

Service,

208

00:15:41,370 --> 00:15:45,240

which is the local planning authority on behalf of Cambridge City Council and

209

00:15:45,240 --> 00:15:50,040

South Cambridge District Council. Uh, and, uh, please address me as Mr. Kelly.

210

00:15:50,810 --> 00:15:51,643

Thank you.

211

00:15:54,340 --> 00:15:58,650

David Harford from Keshe County Council. Uh, principal Consents

project Manager.

212

00:16:03,150 --> 00:16:04,370

Um, okay. Thank you.

213

00:16:04,390 --> 00:16:09,250

If you can now move on to Ton Parish Council Charles Jones,

214

00:16:09,570 --> 00:16:10,890

chairman Ton Parish Council

215

00:16:17,190 --> 00:16:19,850

and C P R E, please.

216

00:16:21,250 --> 00:16:21,610

Yep.

217

00:16:21,610 --> 00:16:25,070

Uh, Dr. Allen James, and I'm the chairman of C P R E,

218

00:16:25,070 --> 00:16:26,070

Cambridge and Peterborough.

219

00:16:28,540 --> 00:16:30,650

Thank you. And save. Honey Hill Group

220

00:16:35,210 --> 00:16:39,030

Mi Ms. Esther Rabkin, writer of council,

221

00:16:39,180 --> 00:16:41,470

appearing on behalf of Save Honey Hill.

222

00:16:43,770 --> 00:16:45,550

Um, Mr. Ian Gilda,

223

00:16:45,710 --> 00:16:48,350

I am a planning and environmental consultant for Save Honey Hill.

224

00:16:57,770 --> 00:17:00,480

Thank you. And do we have Liz C**n?

225

00:17:03,530 --> 00:17:07,950

Oh, we're not. Okay. Okay. Apologies,

226

00:17:08,150 --> 00:17:12,480

I had you on my list, but that's, that's fine. Thank you for confirming. Um,

227

00:17:12,530 --> 00:17:16,520

we're also aware that the Environment Agency is present virtually should we have

228

00:17:16,520 --> 00:17:20,400

any questions. And it would just be useful if his representative, Mr. Neville,

229

00:17:20,400 --> 00:17:22,120

Ben could briefly introduce himself.

230

00:17:24,160 --> 00:17:25,150

Thank you, sir. Neville

231

00:17:25,150 --> 00:17:25,770

Ben

232

00:17:25,770 --> 00:17:26,603

Agency.

233

00:17:29,600 --> 00:17:32,150

Thank you. Um,

234

00:17:32,270 --> 00:17:34,830

I would just like also like to say that when speaking today,

235

00:17:34,830 --> 00:17:39,830

please bear in mind that we have read all submissions made so far and that

236

00:17:39,850 --> 00:17:43,190

you therefore don't need to read out previous submissions. However,

237

00:17:43,330 --> 00:17:46,070

if you want to refer something that you've submitted before,

238

00:17:46,140 --> 00:17:49,440

we'd be grateful if you could give the appropriate examination,

239

00:17:49,760 --> 00:17:52,880

reference library examination, library reference,

240

00:17:52,900 --> 00:17:54,680

so we can all follow and find it easily.

241

00:17:57,730 --> 00:18:02,070

Um, can I just check, is there anybody else who was hoping to speak today,

242

00:18:02,070 --> 00:18:03,390

either in the room or virtually

243

00:18:04,840 --> 00:18:06,130

Someone different system?

244

00:18:09,550 --> 00:18:10,383

Yes,

245

00:18:23,640 --> 00:18:26,720

that, that's absolutely fine.

246

00:18:26,720 --> 00:18:28,760

Would you mind just using the microphone so that we can,

247

00:18:28,760 --> 00:18:30,760

everybody can hear you if there's aro.

248

00:18:33,510 --> 00:18:34,343

Okay.

249

00:18:37,050 --> 00:18:39,800

Thank, thank you. If, if you, sorry,

250

00:18:39,800 --> 00:18:43,480

could you just say who you are and who you represent just in case?

Um, no,

251

00:18:43,480 --> 00:18:44,360
people are off, away.

252

00:18:44,360 --> 00:18:47,920
In case you missed it. I'm Tony Booth, friends of the River Cam,
and, um,

253

00:18:48,180 --> 00:18:53,160
I'm asking if, uh, I, as the proceedings go,

254

00:18:53,240 --> 00:18:55,800
I feel that I would like to make a contribution if that were all
right,

255

00:18:55,800 --> 00:18:59,640
given that I, I probably was down on the list. Thank you very much.

256

00:19:00,900 --> 00:19:01,733
Any question.

257

00:19:02,490 --> 00:19:07,400
Thank you. Um, are there any other comments anyone wishes to make,

258

00:19:08,100 --> 00:19:09,800
um, under agenda item one?

259

00:19:14,910 --> 00:19:17,760
Okay. I'm not seeing any hands up, um, in the room or virtually,

260

00:19:18,180 --> 00:19:19,200
so I shall move on.

261

00:19:23,370 --> 00:19:25,470
Uh, we now turn to item two on the agenda,

262

00:19:25,470 --> 00:19:29,030
which is the principle of the proposed development. Um,

263

00:19:31,970 --> 00:19:34,550

you'll see that we are pen annex, which

264

00:19:36,220 --> 00:19:37,790
sets out the kind of, uh,

265

00:19:38,240 --> 00:19:42,270
order that we'd like to address some of the matters in. Um,

266

00:19:43,530 --> 00:19:46,910
and we hope that providing that detail would

267

00:19:48,130 --> 00:19:51,550
assist parties with providing, um,

268

00:19:53,460 --> 00:19:56,910
concise, yet detailed enough responses to some of those questions.

269

00:19:58,530 --> 00:19:58,930
Um,

270

00:19:58,930 --> 00:20:03,900
so the first point was around whether

271

00:20:04,000 --> 00:20:08,660
the proposed development is a nationally significant infrastructure
project

272

00:20:09,440 --> 00:20:12,780
or nsip under the Planning Act 2008.

273

00:20:17,030 --> 00:20:17,863
Um,

274

00:20:18,990 --> 00:20:22,570
and I just wanted to just note that, um,

275

00:20:23,880 --> 00:20:28,730
whether the sec, the section 35 direction,

276

00:20:30,590 --> 00:20:33,010
uh, from the Secretary of State makes a very brief

277

00:20:34,530 --> 00:20:38,370
reference to nsip towards the end of it.

278

00:20:39,630 --> 00:20:39,950
Uh,

279

00:20:39,950 --> 00:20:44,930
the planning statement appears to make numerous references to the
project being

280

00:20:45,070 --> 00:20:48,380
an nsip. So the question is,

281

00:20:49,870 --> 00:20:51,130
is the project an nsip?

282

00:20:52,630 --> 00:20:55,890
And should the XA treat it as such

283

00:21:01,300 --> 00:21:02,360
to the applicant? Please?

284

00:21:13,690 --> 00:21:15,470
Uh, no, I can't hear you very well.

285

00:21:17,610 --> 00:21:19,550
Is that working now? Excellent. That's,

286

00:21:19,550 --> 00:21:20,230
Thank you. Perfect. Thank

287

00:21:20,230 --> 00:21:23,070
You. Um, good. So thank you.

288

00:21:23,470 --> 00:21:25,510
I will deal with this,

289

00:21:25,750 --> 00:21:30,390
I hope concisely for you and give you some references to documents,

290

00:21:30,930 --> 00:21:35,870

uh, which will be of assistance, I hope. Um, the answer is no,

291

00:21:36,170 --> 00:21:40,950

it is not an nsip. And, uh,

292

00:21:41,330 --> 00:21:44,950

so we've set that out in the, um,

293

00:21:45,400 --> 00:21:49,670

legal submissions on sections 1 0 4 and 1 0 5,

294

00:21:49,760 --> 00:21:54,070

which I anticipate we may turn to later on document as

295

00:21:54,530 --> 00:21:58,430

1 26. And, uh, for your note,

296

00:21:59,050 --> 00:22:01,030

the reference is on page two,

297

00:22:01,600 --> 00:22:04,310

paragraphs 1.6 and 1.8,

298

00:22:05,450 --> 00:22:10,270

and then over the page at one point 11. And,

299

00:22:10,730 --> 00:22:15,270

uh, there is a clear, uh, enunciation in,

300

00:22:15,530 --> 00:22:17,670

in a recent case,

301

00:22:17,680 --> 00:22:21,870

which is the energy from waste against the Secretary of State case,

302

00:22:22,980 --> 00:22:27,070

paragraph 60 of the judgment of Mr.

303

00:22:27,070 --> 00:22:29,950

Justice Dove. Um,

304

00:22:30,350 --> 00:22:32,590

I can read that if you would wish it,

305

00:22:32,730 --> 00:22:36,950

but I don't think following your introductory remarks that you want me to be

306

00:22:36,950 --> 00:22:39,430

reading things out, uh, in detail.

307

00:22:40,130 --> 00:22:44,750

So you may wish to just briefly summarize what was said. Yes. Um, I have read,

308

00:22:44,950 --> 00:22:47,550

I have read that, but maybe for the benefit of other, other people,

309

00:23:11,640 --> 00:23:15,600

I suppose while you are finding that, yes. Got, okay.

310

00:23:15,680 --> 00:23:19,840

I suppose while you're finding that the, you say the project's not an nip,

311

00:23:20,380 --> 00:23:22,160

so I wonder whether we need to,

312

00:23:22,580 --> 00:23:27,480

but I know in your planning statement it does refer to NSIP a number of times,

313

00:23:27,740 --> 00:23:31,680

so it's whether it's clear Yeah, for everyone who reads it,

314

00:23:31,750 --> 00:23:35,280

that the project is not being dealt with as an nsip.

315

00:23:35,980 --> 00:23:36,813

Uh, it's being,

316

00:23:38,740 --> 00:23:42,680

it is being dealt with under the, um,

317

00:23:43,240 --> 00:23:46,100

planning Act 2008 procedure,

318

00:23:47,110 --> 00:23:49,220

which applies to nips.

319

00:23:49,760 --> 00:23:53,540

And it may be that there's been a slip of the mouse from time to time about

320

00:23:53,540 --> 00:23:57,660

that. I, I'm dealing with your questions in a chopped up way,

321

00:23:57,680 --> 00:24:02,340

but if you would like me to go into the subsequent questions in that

322

00:24:02,410 --> 00:24:06,260

part of your list, then I can give a more complete answer.

323

00:24:12,610 --> 00:24:13,640

Sorry, just bear with me

324

00:24:13,720 --> 00:24:14,960

A second. Mr.

325

00:24:15,260 --> 00:24:20,080

Bowles is actually just whispering in my ear to say that he

326

00:24:20,140 --> 00:24:24,200

has produced an amended version. Uh, um, thank you. I see Mr. Burley nodding.

327

00:24:24,600 --> 00:24:24,960

I I was

328

00:24:24,960 --> 00:24:28,440

Just going to say the whispering is actually an issue because it's being picked

329

00:24:28,440 --> 00:24:30,320
up on the broadcast, so well,

330

00:24:30,410 --> 00:24:33,920
could everybody remember to turn off their microphones when they aren't

331

00:24:34,080 --> 00:24:34,730
speaking, please?

332

00:24:34,730 --> 00:24:37,000
Thank you, sir. Thank you. Thank you. Um,

333

00:24:37,180 --> 00:24:41,560
an amended version of the planning statements being submitted,

334

00:24:41,970 --> 00:24:45,880
which, um, removes those references.

335

00:24:46,940 --> 00:24:50,840
Um, uh, and, and so the passage in Mr.

336

00:24:50,910 --> 00:24:55,560
Justice Dove's judgment in energy from waste, um,

337

00:24:56,040 --> 00:24:59,480
I, I'll just read the short bit, but,

338

00:24:59,500 --> 00:25:03,320
and this will usefully have a bearing on some of your later questions as well,

339

00:25:03,560 --> 00:25:08,320
I think, um, where he's quoting from section 35,

340

00:25:09,180 --> 00:25:13,760
and as we know in this case, the matter becomes before you via,

341

00:25:14,020 --> 00:25:15,960
uh, the Secretary of State's dec, um,

342

00:25:16,720 --> 00:25:21,560

decision under Section 35 and his directions. And so, um,

343

00:25:21,620 --> 00:25:26,600

the judge says the words be treated as development for which

344

00:25:26,600 --> 00:25:28,840

development consent is required,

345

00:25:29,620 --> 00:25:33,400

and that's a quotation from section 35. Uh,

346

00:25:33,460 --> 00:25:37,720

he then goes on simply have the effect of making the proposed development

347

00:25:38,070 --> 00:25:42,800

subject to the decision-making framework contained within the

348

00:25:42,800 --> 00:25:45,120

provisions of the 2008 act.

349

00:25:45,710 --> 00:25:50,440

They do not change the understanding of the proposal as not

350

00:25:50,440 --> 00:25:55,280

being within the definition of an nsip any more than they change

351

00:25:55,340 --> 00:25:58,480

the physical nature of what is comprised within the development.

352

00:25:59,310 --> 00:26:01,880

More particularly, they cannot have the escape,

353

00:26:01,980 --> 00:26:05,560

the effect of altering the scope of an N P s,

354

00:26:05,650 --> 00:26:10,320

which has been drafted specifically to apply only to those projects that are

355

00:26:10,320 --> 00:26:13,800

within the definition of an nip. We'll come back to that topic,

356

00:26:14,000 --> 00:26:17,160

I anticipate later on. Um, uh,

357

00:26:17,220 --> 00:26:21,280

and so just briefly, um,

358

00:26:22,340 --> 00:26:26,560

the, the power there being described is, uh,

359

00:26:26,560 --> 00:26:31,200

the power that sits in section 35, 1 of the act, uh,

360

00:26:31,210 --> 00:26:36,080

which says the Secretary of State may give a direction for development to be

361

00:26:36,080 --> 00:26:40,400

treated as development for which development consent is required,

362

00:26:40,420 --> 00:26:44,440

as the judge said. So we can note there the word may,

363

00:26:45,010 --> 00:26:49,160

which means that it's a discretion that the Secretary of State has,

364

00:26:49,230 --> 00:26:54,080

it's a discretionary power, and then the words to be treated,

365

00:26:54,890 --> 00:26:59,080

which are a sort of plain English version of that legal word

366

00:26:59,590 --> 00:27:04,400

deeming to be deemed. Um, so they're saying, uh, that,

367

00:27:04,400 --> 00:27:09,160

that it's giving the Secretary of State power to bring it in, to direct it in,

368

00:27:10,060 --> 00:27:14,520

and, and we can contrast that with section 14 of the act,

369

00:27:14,850 --> 00:27:17,120

which defines nips.

370

00:27:17,120 --> 00:27:20,240

And then through the succeeding sections in that part,

371

00:27:20,410 --> 00:27:23,040

gives a great long list of them all, and they'll be very familiar.

372

00:27:23,100 --> 00:27:26,000

You can probably recite them in your sleep, uh,

373

00:27:26,160 --> 00:27:30,960

a list of projects which are nips and so it's a statutory term

374

00:27:31,060 --> 00:27:31,893

of art,

375

00:27:32,300 --> 00:27:37,000

and we find that we can feed that through into the interpretation section in

376

00:27:37,000 --> 00:27:40,000

section 2, 3 5, which says,

377

00:27:40,590 --> 00:27:45,200

NSIP has the meaning set out in part three, which is section 14,

378

00:27:45,620 --> 00:27:49,920

and then the great long lists. Um, and, uh,

379

00:27:50,430 --> 00:27:53,040

just one more thing to say on that,

380

00:27:53,980 --> 00:27:56,320

as the wastewater, uh,

381

00:27:56,600 --> 00:28:00,880

n p s reminds us in relation to deems and the

382

00:28:01,460 --> 00:28:04,880

Thames Tideway tunnel, there is a separate power,

383

00:28:04,880 --> 00:28:09,760

completely separate power in the act under Section 14 that lies

384

00:28:09,760 --> 00:28:12,200

with the Secretary of State to amend the list,

385

00:28:12,980 --> 00:28:15,160

either generally or specifically,

386

00:28:15,540 --> 00:28:20,120

and the wastewater m p s reminds us that the Secretary of State amended the list

387

00:28:20,580 --> 00:28:23,720

to bring in tideway and deepens. Um, so,

388

00:28:23,980 --> 00:28:26,080

so that's a separate power,

389

00:28:26,100 --> 00:28:30,640

and we can contrast that with how section 35 operates.

390

00:28:31,100 --> 00:28:35,280

So in a nutshell, so the the answer is, is no,

391

00:28:36,020 --> 00:28:39,800

but it's been directed into, uh,

392

00:28:39,860 --> 00:28:42,520

the same process and we'll doubt this,

393

00:28:42,590 --> 00:28:46,720

look at some further implications of that under some of your other questions a

394

00:28:46,720 --> 00:28:47,553
bit later.

395

00:28:47,990 --> 00:28:49,120
Okay, thank you for that.

396

00:28:49,120 --> 00:28:53,800
When you said the planning statement had been updated to remove references to

397

00:28:53,870 --> 00:28:56,600
Nset, what, do you have a re examination library reference for

398

00:28:56,600 --> 00:28:58,560
That? I don't, but Mr. Bowles will,

399

00:28:58,800 --> 00:29:01,520
'cause it wasn't, it wasn't in the most recent Oh, submissive version.

400

00:29:01,920 --> 00:29:05,200
I, I could see, I apologize. May I pass that to Mr.

401

00:29:05,260 --> 00:29:07,520
Bowles and if necessary will, um,

402

00:29:07,690 --> 00:29:11,880
we'll take it up with those who maintain the library of documents, um,

403

00:29:12,290 --> 00:29:16,240
after the session. Thank you very much, sir. Thank

404

00:29:16,240 --> 00:29:17,073
You.

405

00:29:22,080 --> 00:29:22,913
So,

406

00:29:23,240 --> 00:29:25,660
Yes, so sorry, just to confirm, um,

407

00:29:26,600 --> 00:29:31,180

as 1 28 is the latest version of the planning

408

00:29:31,180 --> 00:29:32,013

statement,

409

00:29:32,680 --> 00:29:36,580

and all references in my understanding to ends have been removed from that.

410

00:29:36,640 --> 00:29:39,660

So it refers to development requiring development consent,

411

00:29:44,510 --> 00:29:48,250

And that's the phrase used by the Secretary of State in the direction

412

00:29:49,350 --> 00:29:51,770

and in the N P S as well.

413

00:29:53,420 --> 00:29:55,960

Yes. Just bear with me a second.

414

00:30:08,410 --> 00:30:13,030

So if you, if you do a word search for nip, it comes up 25 times.

415

00:30:14,290 --> 00:30:19,030

So I don't think that all references to NIP have been taken out, but

416

00:30:20,570 --> 00:30:22,030

you may, you may want to look at that again.

417

00:30:22,770 --> 00:30:27,150

So could we take that away as an action to double check? Of course,

418

00:30:27,500 --> 00:30:30,590

NSIP may crop up in other contexts, um,

419

00:30:30,690 --> 00:30:33,230

so it doesn't sometimes crop up another context accurate,

420

00:30:33,230 --> 00:30:37,110

But, but in some context it always, in some it also suggests, yeah,

421

00:30:37,260 --> 00:30:38,750

that the project's an nsit. Yeah.

422

00:30:39,210 --> 00:30:43,430

May we take that away, uh, as an action to, uh,

423

00:30:43,740 --> 00:30:48,110

have a fresh look at that and, um, if necessary,

424

00:30:48,730 --> 00:30:52,510

uh, amend it again. Um, and if not,

425

00:30:52,800 --> 00:30:55,470

maybe prepare a very short note, um,

426

00:30:55,800 --> 00:30:58,870

explaining why that term appears in certain places. So

427

00:30:58,870 --> 00:31:02,630

Just as an example, so in common with other nips,

428

00:31:03,810 --> 00:31:07,390

the D C O project is seeking some flexibility,

429

00:31:08,840 --> 00:31:09,673

et cetera, et cetera.

430

00:31:10,160 --> 00:31:13,740

So, so the word other needs to come out there. Um,

431

00:31:14,610 --> 00:31:16,740

Okay. That's just one example, but I'll, I'll leave that with you.

432

00:31:17,010 --> 00:31:20,100

I'll leave that with you just to maybe review the documents. Oh, thank you, sir.

433

00:31:20,140 --> 00:31:20,260

I

434

00:31:20,260 --> 00:31:23,780

Will do that. Yeah, thank you very much, sir, for drawing that to our attention.

435

00:31:25,010 --> 00:31:25,843

It's just to,

436

00:31:26,570 --> 00:31:29,780

he's asking the question 'cause it's not entirely clear to us whether you are

437

00:31:29,780 --> 00:31:30,620

saying it's an nip.

438

00:31:31,330 --> 00:31:32,780

Yeah, well, so,

439

00:31:32,920 --> 00:31:35,860

Or not so which, but I think you've answered that it's not an nip. I

440

00:31:35,860 --> 00:31:40,580

Hope that the answer that I've given and the reasoning that underlies it

441

00:31:41,360 --> 00:31:43,780

is now clear. Yes. Thank you that, um,

442

00:31:44,190 --> 00:31:46,540

thank you very much for drawing to our attention,

443

00:31:47,000 --> 00:31:51,620

the need carefully to check our documents. Thank you.

444

00:31:52,000 --> 00:31:52,220

So

445

00:31:52,220 --> 00:31:55,740

The next two bullet points relate to the main differences between

the

446

00:31:56,100 --> 00:31:57,300
consideration of an nip.

447

00:32:01,200 --> 00:32:02,033
Yes, please.

448

00:32:03,270 --> 00:32:04,260
Thank you. Sorry. Save.

449

00:32:04,260 --> 00:32:08,020
Honey Hill would like to make some points on whether the development
is an nip.

450

00:32:08,410 --> 00:32:10,460
Okay. Um, and it,

451

00:32:10,460 --> 00:32:15,140
it's welcomed that the applicant has confirmed that it doesn't
consider the

452

00:32:15,380 --> 00:32:17,700
proposed development to be an nsip. Um,

453

00:32:17,970 --> 00:32:21,700
that is not actually clear from the legal submissions.

454

00:32:21,970 --> 00:32:24,500
Save honey or Hill would submit, um,

455

00:32:27,160 --> 00:32:30,170
Save Honey Hill agrees with, um,

456

00:32:31,720 --> 00:32:36,490
with the position that the applicant has set out following the case
of E F

457

00:32:36,610 --> 00:32:41,200
W, that a section 35 direction is not capable of turning a project,

458

00:32:41,370 --> 00:32:46,160

which does not fall within the definition of an NSIP into an NSIP and Save Honey

459

00:32:46,160 --> 00:32:49,800

Hill's position is that the proposed development is not an nsip as it doesn't

460

00:32:49,800 --> 00:32:54,640

exceed the threshold in section 29 of the Planning Act 2008. Um,

461

00:32:54,740 --> 00:32:59,520

the position on that threshold is left open in

462

00:32:59,540 --> 00:33:04,080

the applicant's legal submissions, um, as 1 26,

463

00:33:05,860 --> 00:33:08,790

paragraph 1.8, um,

464

00:33:11,070 --> 00:33:12,980

where it said that in the applicant's submission,

465

00:33:12,980 --> 00:33:16,140

it's not necessary for the examining authority or the Secretary of State to

466

00:33:16,140 --> 00:33:17,140

reach a finding on this point.

467

00:33:17,610 --> 00:33:21,260

Save Honey Hill would say it is necessary for the purposes of determining

468

00:33:21,260 --> 00:33:26,020

whether section 1 0 4 or section 1 0 5 of the Planning Act apply to determine

469

00:33:26,020 --> 00:33:29,990

whether that threshold is met. Um, and,

470

00:33:30,050 --> 00:33:33,790

and Save Honey Hill would would say the threshold is not met for a number of

471

00:33:33,790 --> 00:33:37,470

reasons, which it will accept, expand on in its written representation,

472

00:33:37,610 --> 00:33:40,070

but which I can run through briefly now if that would assist.

473

00:33:47,870 --> 00:33:49,050

So it is, it's not the,

474

00:33:49,430 --> 00:33:53,930

it doesn't appear to be appellant's the applicant's case that it's a nsip or

475

00:33:53,930 --> 00:33:58,130

that it meets that criteria. So we're, we're taking the view, well,

476

00:33:58,670 --> 00:34:02,010

my understanding is to take the view that it's not considered to be an end slip.

477

00:34:02,070 --> 00:34:06,930

So why is it that we need to determine whether it

478

00:34:06,930 --> 00:34:10,970

is or not? If there's no, no one's arguing that it might be,

479

00:34:11,550 --> 00:34:15,610

If the applicant is now taking the position that it's below the threshold, um,

480

00:34:16,480 --> 00:34:20,970

then, then say, honey Hills is happy to accept that, but it is important for,

481

00:34:21,070 --> 00:34:25,130

for a decision on whether it's below or above the threshold because Safe Honey

482

00:34:25,130 --> 00:34:26,250
Hill says that is the test,

483
00:34:26,250 --> 00:34:29,690
which determines whether it is in section 1 0 4 or section 1 0 5.

484
00:34:31,840 --> 00:34:36,660
So I think my understanding is the test is whether it's an NSIP and

485
00:34:36,690 --> 00:34:41,540
it's an nsip if it falls within the Part three section 14

486
00:34:41,540 --> 00:34:44,260
definition, which the applicant is not taking,

487
00:34:45,120 --> 00:34:47,620
that's not part of the applicant's case as I understand it.

488
00:34:48,600 --> 00:34:52,100
So I'm wondering why we need to determine whether it's,

489
00:34:52,100 --> 00:34:55,540
whether it meets that criteria or not. In your view.

490
00:34:58,810 --> 00:35:01,130
I I think this is the first time we've actually had a,

491
00:35:01,570 --> 00:35:04,610
a firm position on the applicant that it's not an nip.

492
00:35:04,610 --> 00:35:07,530
And if if that's agreed then, then that that's sufficient.

493
00:35:09,120 --> 00:35:09,880
Yes, please.

494
00:35:09,880 --> 00:35:11,540
So may I briefly, um,

495
00:35:11,730 --> 00:35:16,660
respond at paragraph 1.8 of the

496

00:35:17,150 --> 00:35:22,140

legal submissions on sections 1 0 4 and five to which Ms, uh,

497

00:35:22,610 --> 00:35:25,340

Dren writer just replied? Um,

498

00:35:26,360 --> 00:35:30,540

we say very clearly, um, that we,

499

00:35:31,400 --> 00:35:35,300

uh, well, I'll, I'll read it because it's precisely worded for,

500

00:35:35,480 --> 00:35:39,080

for the relevant purpose accordingly,

501

00:35:39,180 --> 00:35:43,240

and without prejudice to being able to pursue the point in further cases,

502

00:35:43,460 --> 00:35:47,800

the applicant does not seek to take the point that the project meets the

503

00:35:48,080 --> 00:35:52,400

threshold in section 29 and that then we say,

504

00:35:52,400 --> 00:35:54,280

therefore it's not necessary. So there are,

505

00:35:54,830 --> 00:35:59,040

that there might have been two ways of becoming an NIP

506

00:35:59,820 --> 00:36:02,680

one, which was the question which Mr.

507

00:36:02,820 --> 00:36:04,840

Ju Justice Dove dealt with recently.

508

00:36:05,420 --> 00:36:09,560

Do you become an nip because you're directed in via section 35

509

00:36:11,140 --> 00:36:13,470

different views were taken about that Mr.

510

00:36:13,470 --> 00:36:17,790

Justice Dove has given a ruling on that. And the other, uh,

511

00:36:17,890 --> 00:36:22,790

in this case would depend on the view that one took on the threshold question.

512

00:36:23,450 --> 00:36:27,710

We have made it clear in the legal note that for the purposes of this case,

513

00:36:28,170 --> 00:36:32,790

we do not, uh, seek to press the threshold argument.

514

00:36:33,770 --> 00:36:34,290

Um,

515

00:36:34,290 --> 00:36:39,110

and therefore it's not necessary to ask you to determine the

516

00:36:39,350 --> 00:36:40,183

threshold question.

517

00:36:42,830 --> 00:36:47,050

Okay. Thank you. Does that answer your question on that particular matter?

518

00:36:49,050 --> 00:36:50,080

Thank you. Yes.

519

00:36:52,910 --> 00:36:57,830

Uh, so just moving on, the main difference differences, the next bullet points,

520

00:36:58,050 --> 00:37:02,910

uh, the main difference between the consideration of an NSIP and of a project of

521

00:37:03,110 --> 00:37:06,830

national significance for which development consent is required. Um,

522

00:37:10,300 --> 00:37:13,830

what, what are the main differences? Is it, it, it just,

523

00:37:14,250 --> 00:37:19,190

it mainly comes down to whether the N P S is effective in terms of

524

00:37:19,690 --> 00:37:20,523

one or the other?

525

00:37:20,630 --> 00:37:23,190

I, I think I would put it slightly differently.

526

00:37:23,530 --> 00:37:28,150

So it really comes down to what the Secretary of State says in the direction.

527

00:37:29,170 --> 00:37:34,030

And, um, again, I'll just briefly run through the statutory,

528

00:37:34,370 --> 00:37:36,110

uh, background to this, if I may.

529

00:37:36,580 --> 00:37:41,510

Section 35 z a snappy title deals

530

00:37:41,700 --> 00:37:46,230

with procedural matters with regard to directions that are made under Section

531

00:37:46,230 --> 00:37:50,950

35. And, um, that, uh,

532

00:37:50,950 --> 00:37:55,870

section is of relevance to the question that you've asked us to consider. Uh,

533

00:37:55,870 --> 00:38:00,510

because subsection four of z A says that a

534

00:38:00,620 --> 00:38:04,990

direction may be given by the minister for specific purposes

535

00:38:05,530 --> 00:38:06,590

or generally,

536

00:38:07,800 --> 00:38:12,460

and then subsection five of z A says that a

537

00:38:12,460 --> 00:38:17,140

direction may apply specific provisions of the 2008

538

00:38:17,480 --> 00:38:22,460

ACT or other legislation may make provision for those to have

539

00:38:22,460 --> 00:38:27,300

effect in regards to the application with or without modifications,

540

00:38:28,160 --> 00:38:32,820

or he or she may direct, uh, the, the, those,

541

00:38:33,520 --> 00:38:38,320

uh, requirements are to be treated as having been complied with.

542

00:38:38,660 --> 00:38:39,493

So in other words,

543

00:38:39,790 --> 00:38:44,680

when considering the Section 35 and granting the section 35

544

00:38:44,750 --> 00:38:49,680

request, the Secretary of State at the same time can, um,

545

00:38:49,690 --> 00:38:54,080

think about procedural matters and decide, uh,

546

00:38:54,830 --> 00:38:55,320

whether,

547

00:38:55,320 --> 00:38:59,880
whether there should be any differences from standard process,

548
00:39:00,900 --> 00:39:05,560
uh, and can give directions. Um, and in this case,

549
00:39:06,300 --> 00:39:07,600
um, uh,

550
00:39:08,260 --> 00:39:13,040
all that the Secretary of State did was firstly to direct the
project

551
00:39:13,580 --> 00:39:18,280
in, um, to be dealt with, to be treated,

552
00:39:19,100 --> 00:39:23,880
uh, as a project under the, the, uh, 2008 Act.

553
00:39:24,660 --> 00:39:28,120
And, um, then to direct, uh,

554
00:39:28,190 --> 00:39:32,840
that the one stop consenting provisions of section 33

555
00:39:33,060 --> 00:39:34,720
of the ACT would apply.

556
00:39:35,340 --> 00:39:40,320
But he did not make any procedural directions saying

557
00:39:40,630 --> 00:39:45,080
that he wanted you to deal with it any differently, um,

558
00:39:45,260 --> 00:39:50,200
in this instance from how you would deal with it if it had got there
via

559
00:39:50,200 --> 00:39:53,160
section 29 rather than via section 35.

560

00:39:57,130 --> 00:39:58,340
Okay. Thank you. And

561
00:40:00,780 --> 00:40:03,000
are you able to clarify the national significance?

562
00:40:03,910 --> 00:40:07,200
What is the national significance of the project? Of the proposed development?

563
00:40:07,420 --> 00:40:08,520
Yes. Bearing in mind

564
00:40:10,620 --> 00:40:15,080
the proposed development before us is the relocation of wastewater treatment

565
00:40:15,080 --> 00:40:17,440
plant. So there's no housing,

566
00:40:17,440 --> 00:40:20,880
there's no regeneration involved in the project,

567
00:40:20,970 --> 00:40:23,760
which has been presented to us to determine,

568
00:40:23,760 --> 00:40:26,360
because none of that is within the D C O.

569
00:40:26,360 --> 00:40:30,000
So focusing on the project is applied for in the D C O,

570
00:40:31,370 --> 00:40:34,160
could you clarify what the national significance of that is,

571
00:40:34,160 --> 00:40:36,560
Please? Yes. And so I'll,

572
00:40:36,630 --> 00:40:41,440
I'll do it first by reference to how the Secretary of State looked at

573

00:40:41,440 --> 00:40:42,273
this.

574

00:40:42,740 --> 00:40:47,120
And I will just say this by way of introduction to that,

575

00:40:49,030 --> 00:40:52,890
that, um, yes, sir, as you've said,

576

00:40:53,070 --> 00:40:58,050
the physical business of the project is, um, uh,

577

00:40:58,230 --> 00:41:02,410
is, is making a new waste water treatment works, uh,

578

00:41:02,430 --> 00:41:05,290
at the new location, um,

579

00:41:08,930 --> 00:41:12,270
rather than, uh, all the, um,

580

00:41:13,690 --> 00:41:17,340
housing and life sciences and B one development, which,

581

00:41:17,430 --> 00:41:22,180
which is in contemplation. Um, but,

582

00:41:22,320 --> 00:41:24,370
uh, the fact is,

583

00:41:24,670 --> 00:41:28,890
and the Secretary of State has plainly had regard to this

584

00:41:29,670 --> 00:41:33,520
in reaching his decision about national significance. And I'll,

585

00:41:33,590 --> 00:41:38,120
I'll explain why I say that in a moment or two. Um,

586

00:41:39,660 --> 00:41:43,280

the, the, um, the vacating of the site,

587

00:41:44,770 --> 00:41:48,880

which is the logical consequence of setting up the new one and getting rid of

588

00:41:48,900 --> 00:41:53,040

the old kit off the site, um,

589

00:41:53,900 --> 00:41:58,560

the, the vacating and what that creates in as, as a,

590

00:41:58,660 --> 00:42:03,600

as a, a vacant site to be utilized in other ways, um,

591

00:42:04,380 --> 00:42:08,860

is something which is inextricably bound in

592

00:42:09,490 --> 00:42:10,940

with the, the project.

593

00:42:11,280 --> 00:42:16,180

So clearly that there's the physical work and then there is

594

00:42:16,180 --> 00:42:20,900

the resulting works, but there is then also the physical,

595

00:42:21,520 --> 00:42:26,060

um, removal and the resulting vacant site.

596

00:42:26,360 --> 00:42:31,020

And the Secretary of State has clearly looked at it in that way because,

597

00:42:32,000 --> 00:42:36,220

um, he, he says this in the direction, um,

598

00:42:36,560 --> 00:42:40,900

the proposed development by itself is nationally significant.

599

00:42:42,160 --> 00:42:43,880

And so I,

600

00:42:44,320 --> 00:42:48,080

I submit that he's asking himself the right question there,

601

00:42:48,380 --> 00:42:52,360

having regard to the parameters that you've just put to me, sir.

602

00:42:53,380 --> 00:42:57,840

And he then set out his reasons for so concluding in the annex

603

00:42:58,500 --> 00:43:00,880

and the, um, this document,

604

00:43:01,220 --> 00:43:04,840

it was one of the ones that you noted at the beginning that it might be handy

605

00:43:05,020 --> 00:43:07,600

for us to be able to look at together.

606

00:43:08,270 --> 00:43:11,480

It's appended to the planning statement, which is, um,

607

00:43:11,760 --> 00:43:13,480

a convenient place to find it.

608

00:43:25,910 --> 00:43:26,430

Um,

609

00:43:26,430 --> 00:43:31,010

and the direction is at appendix three

610

00:43:31,630 --> 00:43:32,970

to the planning statement.

611

00:43:36,470 --> 00:43:37,303

And

612

00:43:43,300 --> 00:43:46,680

on page two of it, um,

613

00:43:47,180 --> 00:43:52,120

the Secretary of State clearly says that he is of the view that the

614

00:43:52,320 --> 00:43:56,960

proposed development by itself is nationally significant for the reasons

615

00:43:57,140 --> 00:44:01,160

set out in the annex below. And we then go to the annex,

616

00:44:02,020 --> 00:44:06,960

and the whole of this annex is entitled reasons for the decision to

617

00:44:07,090 --> 00:44:10,560

issue the direction. Um,

618

00:44:11,570 --> 00:44:14,270

and on the national significance question,

619

00:44:15,090 --> 00:44:18,870

he says he has particularly taken into account, um,

620

00:44:19,890 --> 00:44:23,790

uh, the four matters. Uh, there listed,

621

00:44:25,330 --> 00:44:28,950

and I I would highlight in particular three,

622

00:44:29,770 --> 00:44:33,920

enable the relocation of the existing plant,

623

00:44:34,700 --> 00:44:38,120

the development of that Brown site, brownfield site,

624

00:44:38,340 --> 00:44:42,960

and the development of provision of wastewater services to propose development

625

00:44:42,980 --> 00:44:45,720

at Water Beach New Town. Um,

626

00:44:45,860 --> 00:44:50,000

so the use of the word enable there is, I,

627

00:44:50,240 --> 00:44:55,120

I suggest important and it chime with how I try

628

00:44:55,120 --> 00:44:59,240

to explain, um, how one must think about the, the project,

629

00:45:00,100 --> 00:45:03,320

um, both in physical terms and,

630

00:45:03,420 --> 00:45:07,600

and in real life terms of what it does of what its significance

631

00:45:08,220 --> 00:45:09,053

is.

632

00:45:09,420 --> 00:45:13,600

And obviously the question that we're concerned with here is national

633

00:45:13,600 --> 00:45:18,400

significance and significance doesn't only come from the physical

634

00:45:18,760 --> 00:45:21,840

material of what is done, but, uh,

635

00:45:21,840 --> 00:45:26,080

significance comes from, um, uh, what,

636

00:45:26,230 --> 00:45:30,360

what the effects of those physical changes are.

637

00:45:30,790 --> 00:45:34,160

Okay, thank you. So without the enabling the project,

638

00:45:35,110 --> 00:45:39,840

just what we have presented to us in the D C O taken in isolation is,

639

00:45:40,490 --> 00:45:42,350

would you say it's nationally significant?

640

00:45:42,550 --> 00:45:46,550

I would say it's nationally significant because, um, because

641

00:45:48,370 --> 00:45:53,150

one can't simply with respect think about the

642

00:45:53,150 --> 00:45:57,270

project as just a, a load of bricks and pipes.

643

00:45:58,330 --> 00:46:02,870

Um, it's, it's also the whole of this project is,

644

00:46:03,370 --> 00:46:07,830

uh, an enabling project because it enables a cleared site

645

00:46:08,890 --> 00:46:13,390

in a highly important nationally important location,

646

00:46:14,250 --> 00:46:18,030

um, where it is proposed that other things shall happen,

647

00:46:18,680 --> 00:46:23,590

which are themselves, uh, of national significance. Uh,

648

00:46:23,730 --> 00:46:27,350

and, um, the, the Secretary of State, uh,

649

00:46:27,450 --> 00:46:31,630

and one can seal this in the material that was put to him, um,

650

00:46:31,630 --> 00:46:35,750

clearly had regard to the h f investment of p some

651

00:46:35,770 --> 00:46:38,790

227 million pounds, uh,

652

00:46:38,790 --> 00:46:43,670
which I would suggest indicates signifies na national

653
00:46:43,670 --> 00:46:46,950
significance, uh, the regional, national,

654
00:46:47,010 --> 00:46:50,110
and indeed international status of Cambridge.

655
00:46:50,460 --> 00:46:55,390
Because this project isn't happening just anywhere, it's happening
at Cambridge,

656
00:46:55,770 --> 00:46:58,310
or we hope it will happen at Cambridge. Um,

657
00:46:58,620 --> 00:47:03,550
Cambridge recently highlighted as we heard a lot about yesterday by
the Prime

658
00:47:03,830 --> 00:47:05,190
Minister and by, um,

659
00:47:05,450 --> 00:47:10,110
the Secretary of State for leveling up in the July 23 statement.

660
00:47:10,890 --> 00:47:13,350
And as we know, uh, the,

661
00:47:13,350 --> 00:47:18,270
the government ministers personally have appointed a water
resources

662
00:47:18,380 --> 00:47:23,270
task force, um, to get to grips with, um, some of the delivery, uh,

663
00:47:23,450 --> 00:47:25,070
issues. Um,

664
00:47:25,780 --> 00:47:30,720
then the underlying reasons which are alluded to again in the
material before

665

00:47:30,720 --> 00:47:31,920
the Secretary of State, and,

666

00:47:31,940 --> 00:47:36,440
and really what he's summarizing in the Annex Cambridge's unique
blend

667

00:47:36,900 --> 00:47:41,480
of academic excellence on the international stage and the

668

00:47:41,760 --> 00:47:46,600
economic implications of that for research and development and life

669

00:47:46,680 --> 00:47:51,160
sciences are certainly of national significance and, and, uh,

670

00:47:51,260 --> 00:47:55,680
indeed of international, uh, significance. And so, um,

671

00:47:56,060 --> 00:48:00,280
the, the both those, uh, B one uses and the housing,

672

00:48:00,770 --> 00:48:05,680
which in turn, uh, they need, um, would all be, uh,

673

00:48:05,790 --> 00:48:10,200
enabled by the, uh, project, uh, and as I say,

674

00:48:10,210 --> 00:48:14,040
doing it, um, also, uh, as Mr.

675

00:48:14,410 --> 00:48:18,680
Bowls has explained in the planning statement in a way which chimes
with

676

00:48:19,040 --> 00:48:21,760
national planning policy objectives, uh,

677

00:48:21,980 --> 00:48:26,040
in terms of co-location with modern transport infrastructure and

such.

678

00:48:26,860 --> 00:48:30,160

Um, so it is nationally significant, uh, in,

679

00:48:30,380 --> 00:48:31,920

in all of those ways.

680

00:48:32,950 --> 00:48:34,200

Okay, thank you. And,

681

00:48:34,380 --> 00:48:38,880

and regarding reference in the Secretary State directions

682

00:48:38,980 --> 00:48:43,080

around uncertainty due to separate approvals under multiple local authority

683

00:48:43,090 --> 00:48:43,923

areas,

684

00:48:44,230 --> 00:48:48,920

does the fact that Cambridge City Council and South Cambridge District

685

00:48:48,920 --> 00:48:53,200

Council are producing a local plan change that complexity

686

00:48:54,960 --> 00:48:57,940

at all? Does it reduce the, um,

687

00:48:58,850 --> 00:49:01,580

uncertainty in that situation?

688

00:49:02,360 --> 00:49:06,060

Uh, we, we would say not, uh,

689

00:49:07,410 --> 00:49:12,180

clearly I don't want to tread on the toes of the combined authorities, um,

690

00:49:13,040 --> 00:49:17,580
but planning for Cambridge, uh,

691
00:49:17,720 --> 00:49:22,620
and greater Cambridge isn't always has been a hugely complex

692
00:49:23,020 --> 00:49:25,820
business. Um, as we know

693
00:49:28,200 --> 00:49:29,033
in the,

694
00:49:29,390 --> 00:49:33,740
under the 1990 and 2004 ACT regimes

695
00:49:34,270 --> 00:49:38,060
where there is local planning and local decision making,

696
00:49:39,120 --> 00:49:43,580
um, those different bodies can have, um,

697
00:49:44,000 --> 00:49:48,180
subtly differing visions, aims, objectives, and ways of going about things.

698
00:49:49,120 --> 00:49:53,900
Um, also quite apart from the, the, the plan angle,

699
00:49:54,760 --> 00:49:56,260
um, there are, uh,

700
00:49:56,290 --> 00:50:01,100
clearly the different functions that the county council full fulfills

701
00:50:02,200 --> 00:50:06,940
and also many other forms of consent which would be

702
00:50:07,220 --> 00:50:10,420
required, um, if one was doing this, um,

703

00:50:11,090 --> 00:50:16,020
outside the 2008 act, uh, in terms of many,

704
00:50:16,530 --> 00:50:20,580
many forms of other things. I I mean, for example, you spent time
this morning,

705
00:50:20,740 --> 00:50:25,740
I know thinking about, um, navigation, uh, rights and regulation
thereof.

706
00:50:26,120 --> 00:50:28,600
Uh, that's just one example. Um, so,

707
00:50:28,780 --> 00:50:33,160
so there is considerable complexity even though,

708
00:50:33,820 --> 00:50:38,280
um, the two local planning authorities, I say the two,

709
00:50:38,660 --> 00:50:42,680
two of the local planning authorities in Greater Cambridge are
bringing forward

710
00:50:42,800 --> 00:50:46,040
a shared plan. There is of course also East Cambridge,

711
00:50:46,180 --> 00:50:48,800
and then there's the Peterborough Author authority as well.

712
00:50:48,940 --> 00:50:50,640
So it is a complex area.

713
00:50:51,070 --> 00:50:54,640
Okay. Thank you. And so moving on to the next section,

714
00:50:54,940 --> 00:50:59,000
the direction, the proposed development and its elements. Um,

715
00:51:01,450 --> 00:51:02,000
yes,

716

00:51:02,000 --> 00:51:02,710

Sorry. Um,

717

00:51:02,710 --> 00:51:05,710

safe Honey Hill does have a number of points to make on these bullet points.

718

00:51:05,710 --> 00:51:08,350

Okay. Would welcome the opportunity to make them. Um,

719

00:51:08,420 --> 00:51:10,350

just on the second bullet point under this,

720

00:51:10,420 --> 00:51:15,150

this agenda item two points really coming back on what the applicant has

721

00:51:15,260 --> 00:51:16,390

said, um,

722

00:51:16,730 --> 00:51:20,510

on the issue of what the main differences are between the consideration of an

723

00:51:20,690 --> 00:51:24,590

nip and of a project of national significance for which development consent is

724

00:51:24,870 --> 00:51:28,190

required, um, and, and save Honey,

725

00:51:28,240 --> 00:51:33,190

honey Hill's position is that that difference affects whether section 104 or

726

00:51:33,190 --> 00:51:35,190

section 105 of the Planning Act applies.

727

00:51:35,370 --> 00:51:39,070

It does not just come down to what the sector of state says in the direction.

728

00:51:40,370 --> 00:51:45,030
Um, Ms. Ellis Casey noted that,

729

00:51:45,370 --> 00:51:46,203
um,

730

00:51:46,530 --> 00:51:51,190
no procedural direction was made saying the application should be dealt with any

731

00:51:51,190 --> 00:51:54,470
differently from how you would deal with it if it got there via Section 29,

732

00:51:54,890 --> 00:51:57,950
but there wasn't any direction saying that the application should be dealt with

733

00:51:57,950 --> 00:52:01,390
under section 1 0 4 as opposed to section 1 0 5. Um,

734

00:52:01,490 --> 00:52:04,710
so say if Honey Hill would say that it should be dealt with under section 1 0 5.

735

00:52:06,280 --> 00:52:06,630
Thank

736

00:52:06,630 --> 00:52:07,790
You. Okay, thank you.

737

00:52:11,670 --> 00:52:14,770
So moving on to the next section, the section 35 direction,

738

00:52:14,770 --> 00:52:17,250
the proposed of elements and its elements, um,

739

00:52:18,070 --> 00:52:21,250
and the question around whether all elements of the application fall within that

740

00:52:21,250 --> 00:52:25,770
specified with a section 35 direction, uh,

741
00:52:25,770 --> 00:52:30,730
particularly the Gateway Building, stroke Discovery Center office
floor space,

742
00:52:30,950 --> 00:52:32,370
amount of parking and workshop,

743
00:52:32,940 --> 00:52:37,810
which don't appear to be specifically mentioned in the section 35

744
00:52:37,810 --> 00:52:40,770
direction. Could the applicant please comment on that?

745
00:52:42,060 --> 00:52:47,050
Thank you, sir. Um, I, I fear it's me again to start on this, and
then,

746
00:52:47,150 --> 00:52:51,930
um, I'll bring in, if I may, one or two, um, of my colleagues. Um,

747
00:52:52,630 --> 00:52:55,610
the section 35 direction, um,

748
00:52:55,830 --> 00:53:00,650
on page two directs the project into the 2008, um,

749
00:53:00,880 --> 00:53:04,330
methodology and allows for the inclusion of,

750
00:53:04,590 --> 00:53:08,010
and I now quote any matters that may be properly,

751
00:53:08,010 --> 00:53:12,730
that may properly be included in A D C O within the meaning of
section

752
00:53:12,750 --> 00:53:14,810
120 of the act,

753

00:53:15,240 --> 00:53:19,170

including ancillary matters and associated development.

754

00:53:20,030 --> 00:53:23,770

Um, don't need to say any more about ancillary matters, but, uh,

755

00:53:23,770 --> 00:53:28,200

section 115 two defines associated development,

756

00:53:28,580 --> 00:53:28,830

uh,

757

00:53:28,830 --> 00:53:33,720

must be associated with the development project and in England and

758

00:53:33,940 --> 00:53:36,240

not be dwellings. Um,

759

00:53:36,460 --> 00:53:40,760

and then other things which we don't need to, um, worry about, uh,

760

00:53:40,940 --> 00:53:45,720

in this instance. So those are the statutory requirements. There's then,

761

00:53:45,720 --> 00:53:50,640

as you know, sir, guidance, uh, and that sets out three, uh,

762

00:53:51,080 --> 00:53:56,000

criteria, direct relationship subordinate and typical. Um,

763

00:53:57,140 --> 00:53:58,320

if we, um,

764

00:53:58,620 --> 00:54:03,200

either turn to or make a note of page 66 and

765

00:54:03,200 --> 00:54:06,600

following of the project description, Mr.

766

00:54:07,100 --> 00:54:11,360

Bowles may be able to shout out the, um, the number of that.

767

00:54:11,710 --> 00:54:13,560

Just before you go on the guidance you mentioned,

768

00:54:13,560 --> 00:54:17,600

could you just tell me the name, the name of that guidance please?

Um,

769

00:54:18,840 --> 00:54:19,800

I think it's called,

770

00:54:20,100 --> 00:54:25,000

is it called Government Guidance on Associated Development under the 2008

771

00:54:25,340 --> 00:54:26,173

Act?

772

00:54:42,540 --> 00:54:42,850

Yeah.

773

00:54:42,850 --> 00:54:47,710

Is it the D C L G 2013 guidance on associated development applications

774

00:54:48,490 --> 00:54:50,150

for major infrastructure projects.

775

00:54:50,190 --> 00:54:53,870

Projects which states that associated development should either support

776

00:54:55,090 --> 00:54:59,670

the construction or operation of the principal development or help address its

777

00:54:59,670 --> 00:55:01,710

impacts? Yeah. So how,

778

00:55:01,770 --> 00:55:06,110

how do these elements meet those criteria?

779

00:55:15,210 --> 00:55:20,150

So the Project description,

780

00:55:20,320 --> 00:55:22,470

which I'm told is

781

00:55:24,430 --> 00:55:28,790

Document A P P O 34 at page

782

00:55:28,880 --> 00:55:29,713

66,

783

00:55:30,840 --> 00:55:35,830

deals with under a heading further associated development and site-wide

784

00:55:35,920 --> 00:55:40,710

provisions. Um, it deals first with the gateway building, which,

785

00:55:40,970 --> 00:55:45,350

uh, is, uh, said to, to be a structure which contains offices,

786

00:55:45,900 --> 00:55:48,950

welfare facilities, and the Discovery Center,

787

00:55:49,570 --> 00:55:54,310

as well as any plant required by the building. By the building.

788

00:55:55,370 --> 00:56:00,110

Um, in my submission, certainly all the, well,

789

00:56:00,650 --> 00:56:04,910

all the statutory and guidance re requirements are met,

790

00:56:05,490 --> 00:56:10,150

um, at two 13.5 on the next place,

791

00:56:10,690 --> 00:56:11,750

uh, page. Um,

792

00:56:12,250 --> 00:56:17,230

it indicates that space has been set aside for bins and plant gray

793

00:56:17,230 --> 00:56:19,270

water harvesting, air handling,

794

00:56:19,410 --> 00:56:23,070

and dedicated enclosure for up to 50 bikes.

795

00:56:23,140 --> 00:56:27,640

So I would suggest that all of that is self-explanatory and what one would

796

00:56:27,640 --> 00:56:31,040

expect in a modern sustainably designed building.

797

00:56:49,020 --> 00:56:53,550

Yeah. So I suppose it's the question over the, the guidance they, the, um,

798

00:56:54,280 --> 00:56:57,910

associated development should support, uh,

799

00:56:58,210 --> 00:57:02,190

or requires a direct relationship, so Yep.

800

00:57:02,990 --> 00:57:06,750

I suppose, for example, the Discovery Center

801

00:57:07,410 --> 00:57:08,243

Yes.

802

00:57:08,410 --> 00:57:11,390

Or the gateway building, which house, which is to have some offices

803

00:57:12,250 --> 00:57:12,810

Yes.

804

00:57:12,810 --> 00:57:16,630

To house people from a separate area, not related to the,

805

00:57:16,630 --> 00:57:18,750

necessarily the existing wastewater treatment plant.

806

00:57:19,170 --> 00:57:21,470

How does that fit into that criteria? I'll

807

00:57:21,470 --> 00:57:24,950

Deal with the Discovery Center first. Um,

808

00:57:25,770 --> 00:57:28,830

the purposes of that part of the building, I mean,

809

00:57:28,830 --> 00:57:33,390

it's a composite building doing a number of different things, um,

810

00:57:34,290 --> 00:57:37,710

but the Discovery Center part of it, uh,

811

00:57:37,760 --> 00:57:40,710

would have an educational function now,

812

00:57:40,770 --> 00:57:45,070

not educational in the sense of a separate land use of

813

00:57:45,340 --> 00:57:49,430

running a school, but, um, a part of,

814

00:57:50,210 --> 00:57:55,100

uh, ang and Waters statutory, um, duties,

815

00:57:56,040 --> 00:58:00,740

uh, includes general environmental and sustainable duties.

816

00:58:01,640 --> 00:58:06,060

And as we, we may hear in other contexts and read, uh,

817

00:58:06,400 --> 00:58:09,580

during the examination, we know, for example,

818

00:58:09,730 --> 00:58:13,700
that that Greater Cambridge has got a problem with water resources.

819
00:58:14,880 --> 00:58:17,020
We know that part of the answer to that,

820
00:58:17,390 --> 00:58:22,100
which our colleagues at Cambridge Water Services are putting forward,

821
00:58:22,880 --> 00:58:25,500
uh, is, um, uh,

822
00:58:26,460 --> 00:58:30,580
reduction of consumption measures. Now, um,

823
00:58:30,610 --> 00:58:33,540
clearly if that is to work, uh,

824
00:58:33,560 --> 00:58:36,420
and this is clearly something which Anglia Water, uh,

825
00:58:36,520 --> 00:58:40,500
is very interested in as well as part of its overall duties,

826
00:58:41,080 --> 00:58:42,020
if that's to work,

827
00:58:42,610 --> 00:58:46,900
it's necessary colloquially to get buy-in from the general

828
00:58:46,990 --> 00:58:51,460
population. Um, popul, it's as a part of that,

829
00:58:51,570 --> 00:58:55,620
therefore educating people, starting,

830
00:58:55,630 --> 00:58:59,340
especially with them when they're young, getting them interested,

831
00:58:59,460 --> 00:59:03,740

thinking about how the water that they drink and shower in and all the rest of

832

00:59:03,740 --> 00:59:08,420

it and maybe attempted to waste how it's produced,

833

00:59:08,610 --> 00:59:13,100

what the implications of all of that are for environmental, um,

834

00:59:13,300 --> 00:59:14,133

concerns and,

835

00:59:14,200 --> 00:59:19,180

and part of the big job that this country has to do in educating all of

836

00:59:19,180 --> 00:59:22,880

us, uh, about, um, these environmental matters.

837

00:59:23,340 --> 00:59:28,120

And so they see that. And, um, o other, other water,

838

00:59:28,460 --> 00:59:32,040

uh, providers, uh, and services, um,

839

00:59:32,600 --> 00:59:37,560

companies have also, um, done this in other parts of the country.

Um,

840

00:59:37,710 --> 00:59:42,240

they see education as a core part of, uh,

841

00:59:42,240 --> 00:59:47,040

delivering their overall duties. Um, and, and so it,

842

00:59:47,140 --> 00:59:51,920

it absolutely has a direct relationship with what they're doing because they

843

00:59:51,950 --> 00:59:55,360

need the collaboration of the general public, um,

844

00:59:55,620 --> 00:59:58,680
to help them to, uh,

845

00:59:58,790 --> 01:00:03,760
keep on providing clean water, uh, and to, to get the,

846

01:00:03,950 --> 01:00:08,680
this very difficult topic of consumption under control.

847

01:00:09,220 --> 01:00:12,160
So, um, that, that's, that. Um,

848

01:00:12,260 --> 01:00:15,960
you then also mentioned office staff. Um,

849

01:00:16,950 --> 01:00:21,680
some of the office staff are administer performing administrative

850

01:00:22,160 --> 01:00:25,360
functions to do with, um, simply this, uh,

851

01:00:25,410 --> 01:00:28,920
wastewater treatment works currently at Milton, um,

852

01:00:28,970 --> 01:00:32,440
which we propose to move. Um, some,

853

01:00:32,910 --> 01:00:37,600
some of the staff are, um, performing functions,

854

01:00:38,220 --> 01:00:42,640
uh, which range wider than just that area. Um,

855

01:00:43,140 --> 01:00:47,240
but for example, they will be managing the, um,

856

01:00:47,420 --> 01:00:50,480
sludge recovery process now. Um,

857

01:00:50,500 --> 01:00:54,880

the sludge re recovery process is to be part of,

858

01:00:55,020 --> 01:00:59,440

or is part of the project, um, not only, uh,

859

01:00:59,880 --> 01:01:00,720

vis-a-vis Cambridge,

860

01:01:00,780 --> 01:01:05,020

but also vis-a-vis water beach and other,

861

01:01:05,390 --> 01:01:10,300

other parts of the, um, ang and water area. Clearly,

862

01:01:10,700 --> 01:01:14,220

somebody has to manage the people who are dealing with all of that.
Mm-hmm.

863

01:01:14,360 --> 01:01:18,740

And then similarly, um, to manage the disposal,

864

01:01:19,440 --> 01:01:24,300

um, and sale where possible of end products, uh,

865

01:01:24,480 --> 01:01:28,540

at the end of the integrated process. I'm so sorry, I spoke slightly
over Mr.

866

01:01:28,600 --> 01:01:29,860

Burley, I fear No,

867

01:01:29,860 --> 01:01:31,580

No. Do these, so the office, we,

868

01:01:31,640 --> 01:01:35,540

we understand that a number of office staff are being re relocated
from

869

01:01:36,540 --> 01:01:38,780

a different part of the area,

870

01:01:39,080 --> 01:01:42,300
not necessarily from the existing wastewater stream plant. I'll,

871
01:01:42,400 --> 01:01:47,100
and we're a little bit unsure as to how that's, um, related to the,

872
01:01:47,440 --> 01:01:48,060
to the

873
01:01:48,060 --> 01:01:51,580
Proposed. So may I ask Mr. John Calley to deal with that?

874
01:01:55,410 --> 01:01:59,630
Uh, and I, I know he's rather shy about this, but, um, Mr. Calley,

875
01:01:59,630 --> 01:02:00,750
if you can for the record,

876
01:02:01,670 --> 01:02:04,750
indicate please what your role is within the applicant.

877
01:02:05,450 --> 01:02:09,630
Uh, John Calley, um, for the applicant,

878
01:02:09,890 --> 01:02:13,630
I'm the group property director for Anglia Water, um,

879
01:02:13,730 --> 01:02:17,510
and a chartered surveyor as well. Um, so no,

880
01:02:17,510 --> 01:02:22,200
there is no intention to move people from outside of Milton

881
01:02:22,460 --> 01:02:23,293
to the new site.

882
01:02:23,380 --> 01:02:27,840
We are just purely looking to relocate those that currently work
there to the

883
01:02:27,840 --> 01:02:28,673

new site.

884

01:02:29,970 --> 01:02:30,803

Okay.

885

01:02:44,200 --> 01:02:45,033

Yeah.

886

01:02:45,670 --> 01:02:50,480

Yeah. So I think this morning there was a reference, sorry, yesterday,

887

01:02:50,480 --> 01:02:55,080

the reference made to relocating people from Huntington. Um,

888

01:02:57,060 --> 01:02:59,750

and I think we thought we'd,

889

01:03:00,050 --> 01:03:04,430

we understood it as they were, it was to create office space,

890

01:03:04,690 --> 01:03:08,310

not just for people working at the existing wastewater plant,

891

01:03:08,310 --> 01:03:09,950

but there'd be people coming from elsewhere.

892

01:03:20,650 --> 01:03:21,210

So the only,

893

01:03:21,210 --> 01:03:25,030

the only off the office space would be for people from the existing wastewater

894

01:03:25,030 --> 01:03:28,830

stream plant or people associated with working at the

895

01:03:30,630 --> 01:03:35,390

proposed one. Yeah. Okay. And roughly how many in total?

896

01:03:43,110 --> 01:03:47,800

Okay. Okay. Okay.

897

01:03:47,800 --> 01:03:50,840

We may follow that up with some written questions, but for the time being.

898

01:03:50,850 --> 01:03:51,683

We'll,

899

01:03:52,020 --> 01:03:54,480

So sir, if I may, um, Andrew, prior from Mays infrastructure,

900

01:03:54,560 --> 01:03:57,800

I think some of the confusion arose yesterday when Mrs. Uh,

901

01:03:57,960 --> 01:04:02,360

Margaret Starkey mentioned Huntington, um, it, it being AWS headquarters,

902

01:04:02,860 --> 01:04:04,840

but as Mr. Corny just said, no, the,

903

01:04:04,990 --> 01:04:08,200

this is a direct relocation from the existing Milton site.

904

01:04:08,950 --> 01:04:09,880

Okay. Thank you.

905

01:04:12,130 --> 01:04:12,860

Thank you.

906

01:04:12,860 --> 01:04:16,640

So do you need me to address the workshop or are you comfortable about that? Um,

907

01:04:17,080 --> 01:04:21,310

I think, I think we'll move on to the next bullet point. Yes.

908

01:04:21,750 --> 01:04:25,390

I, I've just been asked to clarify because I've received a,

909

01:04:25,590 --> 01:04:30,350
a note and answer to a question I raised earlier, um, that the,

910
01:04:30,810 --> 01:04:34,750
uh, the Anglican Water Education, um,

911
01:04:36,250 --> 01:04:39,280
suite at, at Helford, uh,

912
01:04:39,610 --> 01:04:44,600
wastewater Works is currently not operating because the person who
runs it is

913
01:04:44,600 --> 01:04:49,040
on maternity leave. Um, but it is intended, um,

914
01:04:49,430 --> 01:04:53,040
that, that, that would be ongoing and certainly, um,

915
01:04:53,300 --> 01:04:56,680
the Discovery Center is seen as a very important part of,

916
01:04:56,900 --> 01:04:59,520
of the work at Cambridge in the future.

917
01:05:03,540 --> 01:05:06,850
Thank you. Yes. The, the workshop is dealt with, uh,

918
01:05:06,910 --> 01:05:09,450
on page 67 of the project description.

919
01:05:09,520 --> 01:05:12,010
Okay, no problem. Uh, Mr. Burley just has a question for you.

920
01:05:15,270 --> 01:05:16,780
Thank you. It's just going back

921
01:05:16,780 --> 01:05:21,240
To, to this point about the, the relocation of office stuff.

922
01:05:21,660 --> 01:05:23,400

And, um, if we go to,

923

01:05:24,310 --> 01:05:27,280

it's the phase two consultation fact sheet,

924

01:05:27,330 --> 01:05:31,520

which is your reference 6.1 point 17.

925

01:05:32,380 --> 01:05:35,280

And can we get the examination library reference for that,

926

01:05:35,280 --> 01:05:36,113

Please? Yeah.

927

01:05:40,370 --> 01:05:43,880

Thank you, Sophie. Just give us a moment Yes. To get it on screen.

Thank you.

928

01:05:45,470 --> 01:05:46,240

While we're doing that,

929

01:05:46,240 --> 01:05:49,580

can I just remind speakers to keep their microphones on when they are speaking,

930

01:05:49,580 --> 01:05:52,460

please? Um, it's, we can hear you in the room,

931

01:05:52,680 --> 01:05:55,900

but the broadcast can't hear you when that doesn't happen.

932

01:05:56,360 --> 01:05:57,780

And it's APP 1 8 1.

933

01:05:57,950 --> 01:06:02,300

Thank you. Examination. Was I, was I not being heard? I believed my mic was on.

934

01:06:02,460 --> 01:06:05,420

I think it's other speakers. Okay. But just a general, um,

935

01:06:05,450 --> 01:06:08,780
request for everybody there. Of course. Um,

936
01:06:09,080 --> 01:06:13,900
and I am looking at, let's have a look. It is page,

937
01:06:15,170 --> 01:06:19,860
it's p d, it's pages un numbered P D F, page 68.

938
01:06:19,860 --> 01:06:21,220
62 of 68.

939
01:06:25,540 --> 01:06:27,720
And you'll see from our questions that we,

940
01:06:28,540 --> 01:06:32,200
we are seeking clarification because there's various references to
employment

941
01:06:32,200 --> 01:06:37,040
throughout the documentation, which are inconsistent and confusing,

942
01:06:37,820 --> 01:06:42,280
but here it says it's first line as of October, 2021,

943
01:06:42,940 --> 01:06:47,480
it is now confirmed that the total estimated number of vehicle
movements,

944
01:06:47,740 --> 01:06:50,240
I'm missing some words out here, will be 92.

945
01:06:50,670 --> 01:06:54,800
This is due to the recently confirmed inclusion of 30 office
workers,

946
01:06:55,740 --> 01:06:58,080
um, which after phase two consultation,

947
01:06:58,620 --> 01:07:03,360
the relocation of these office worker roles was too uncertain for
the figures to

948

01:07:03,360 --> 01:07:04,193
be included.

949

01:07:07,220 --> 01:07:12,120
So if the intention was always to relocate the

950

01:07:12,120 --> 01:07:14,800
whole of the existing waste water treatment plant,

951

01:07:15,140 --> 01:07:19,120
why was there some uncertainty about the relocation of office
workers from that

952

01:07:19,120 --> 01:07:19,953
plant?

953

01:07:32,130 --> 01:07:34,950
Uh, I think the, the, the answer to that,

954

01:07:35,250 --> 01:07:40,150
and we're happy to double check it and come back to you in, in, in
writing, uh,

955

01:07:40,570 --> 01:07:45,230
really revolved around the sensitivities of relocating people

956

01:07:45,660 --> 01:07:49,710
from one location to another on an HR sort of background.

957

01:07:50,010 --> 01:07:54,350
And we hadn't fully consulted with our employees at that particular
point in

958

01:07:54,350 --> 01:07:55,183
time.

959

01:07:55,340 --> 01:07:55,950
Okay. Thank you.

960

01:07:55,950 --> 01:07:58,830

Perhaps we can put it as an action point for you just to confirm

961

01:08:00,510 --> 01:08:04,960

that all the Of course mm-hmm. All the office staff would be,

962

01:08:05,370 --> 01:08:07,920

would be from the existing one Yes. Going to the,

963

01:08:07,920 --> 01:08:11,880

and they would not be from any other part of the country or part of the region.

964

01:08:12,300 --> 01:08:12,960

No,

965

01:08:12,960 --> 01:08:14,920

I now I confirm as a general point, that's

966

01:08:14,920 --> 01:08:15,920

Not, not what we're trying to achieve

967

01:08:15,920 --> 01:08:18,960

Here. Okay. Yeah. Okay. Thank you. Um,

968

01:08:20,960 --> 01:08:23,060

and just the final bullet point in that section,

969

01:08:23,210 --> 01:08:26,780

just question as to whether the Secretary of State was made aware that the site

970

01:08:27,600 --> 01:08:31,540

for the pros proposed wastewater treatment plant would occupy green Belt

971

01:08:31,940 --> 01:08:32,980

location? Yeah.

972

01:08:33,360 --> 01:08:36,420

So, um, Ms. Barclay is going to deal with that.

973

01:08:37,030 --> 01:08:37,460
Thank you,

974
01:08:37,460 --> 01:08:37,940
Sir. Okay.

975
01:08:37,940 --> 01:08:41,060
Thank you. Um, yes. Karen Barclay for the applicant. Uh, yes,

976
01:08:41,060 --> 01:08:44,580
we do believe the Secretary of State was aware that all three sites were in the

977
01:08:44,580 --> 01:08:48,820
green belt or are in the green belt during our engagement with DEFRA colleagues,

978
01:08:49,000 --> 01:08:53,300
um, in the runup to the section 35 requests, and during our submission,

979
01:08:53,720 --> 01:08:58,620
we presented the final stage site selection, uh, which was explicit about being,

980
01:08:58,840 --> 01:09:03,300
uh, each site being in the greenbelt. And indeed our last submission, um,

981
01:09:03,520 --> 01:09:06,460
to the Secretary of State for the request on page 33,

982
01:09:06,520 --> 01:09:11,500
had a map clearly showing the location of all three sites that were

983
01:09:11,500 --> 01:09:13,740
in that final stage site selection.

984
01:09:14,570 --> 01:09:17,540
Okay, thank you. Yes. Um, save Honey Hill Group.

985
01:09:18,770 --> 01:09:23,300

Yeah, thank you, sir. Um, sorry if I'm going to double back just for a second,

986

01:09:23,480 --> 01:09:27,780

sir, to, um, this question of the relocation of office staff, um,

987

01:09:27,960 --> 01:09:31,740

it was a point, it was made yesterday, and Mrs. Starkey accepted that the,

988

01:09:31,800 --> 01:09:34,180

the reference to Huntington was, was incorrect.

989

01:09:34,960 --> 01:09:39,900

She is aware that you have on that site operational staff for that works

990

01:09:40,520 --> 01:09:44,180

and this sludge treatment management process, uh,

991

01:09:44,490 --> 01:09:49,340

team effectively who manage sludge treatment

992

01:09:49,600 --> 01:09:52,660

across the Anglia Water corporate business,

993

01:09:52,930 --> 01:09:57,180

including the sale and disposal of the solids. Now,

994

01:09:57,180 --> 01:10:00,780

that is a sort of marketing and management function.

995

01:10:00,780 --> 01:10:03,740

It's not directly related to the operation of the works.

996

01:10:03,810 --> 01:10:05,740

They happen to occupy a building

997

01:10:07,610 --> 01:10:09,820

alongside the car park by the works,

998

01:10:10,070 --> 01:10:14,220

which has clearly been a practical use to them. It's, it's an,

999

01:10:14,250 --> 01:10:15,900

it's an office building and it's,

1000

01:10:15,970 --> 01:10:20,020

it's quite helpful to have their office staff in the same location,

1001

01:10:20,210 --> 01:10:24,820

whether it's a necessary relocation of that part of the business into a

1002

01:10:24,940 --> 01:10:28,260

greenbelt office. Um, provision,

1003

01:10:28,420 --> 01:10:32,580

I think is the substance of our concerns. Um, and I'm not entirely sure,

1004

01:10:32,580 --> 01:10:37,380

certainly in, um, we've heard, um, submissions today, um,

1005

01:10:37,650 --> 01:10:38,483

that we'd like,

1006

01:10:38,570 --> 01:10:41,940

like it clarified as to exactly what the role of those staff are and what

1007

01:10:42,220 --> 01:10:46,140

proportion of that 30 92, whichever they are, um,

1008

01:10:46,960 --> 01:10:51,860

are managing the corporate sludge business for Ang and Water

1009

01:10:51,880 --> 01:10:56,140

across its corporate enterprise or a large number of serious treatment works.

1010

01:10:57,370 --> 01:11:00,060

Okay. Uh, uh, we, we do have a written question on that,

1011

01:11:00,060 --> 01:11:04,500

so I think we'll probably park that for now and see what comes outta that

1012

01:11:05,190 --> 01:11:05,600

later

1013

01:11:05,600 --> 01:11:09,900

On. I, I do have another point, sir, if, if Mrs. Barclays finished on,

1014

01:11:09,960 --> 01:11:14,120

on the question Greenbelt, um, there are no references to, as you've seen,

1015

01:11:14,420 --> 01:11:17,800

to greenbelt in the angling water written, um,

1016

01:11:17,880 --> 01:11:20,960

applications Section 35 direction. Um,

1017

01:11:21,740 --> 01:11:24,720

and indeed the plan, I think that's being referred to,

1018

01:11:24,720 --> 01:11:29,280

which shows the three shortlisted sites does not show that those sites are

1019

01:11:29,280 --> 01:11:30,160

within the greenbelt.

1020

01:11:34,710 --> 01:11:38,440

Yeah. P perhaps, um, we can add it as an action point to clarify, just,

1021

01:11:38,440 --> 01:11:41,880

just to clarify that point. Happy to, yes. Okay. Thank you.

1022

01:11:44,810 --> 01:11:45,100

Okay.

1023

01:11:45,100 --> 01:11:49,060

So moving on to whether the application falls to be determined under section

1024

01:11:49,120 --> 01:11:53,980

1 0 4 or section 1 0 5 of the Planning Act 2008. Um,

1025

01:11:56,900 --> 01:12:01,600

so whether the National Policy Statement for wastewater has effect in

1026

01:12:01,840 --> 01:12:05,520

relation to the proposed development and also about projects which the end

1027

01:12:06,080 --> 01:12:09,560

national policy statement for wastewater covers, um,

1028

01:12:09,700 --> 01:12:12,240

and whether it includes the proposed development.

1029

01:12:13,300 --> 01:12:17,480

So I think I should just say first of all, that the,

1030

01:12:18,020 --> 01:12:22,040

we as the XA will need to come to our own conclusions, uh, on this matter.

1031

01:12:22,680 --> 01:12:27,160

I can tell, I can see that there's dispute between, for example,

1032

01:12:27,180 --> 01:12:30,320

the applicant and Save Honey Hill on this matter.

1033

01:12:30,380 --> 01:12:33,040

And we've read all the submissions on, on this matter,

1034

01:12:33,750 --> 01:12:37,680

including from the applicant and the Save Honey Hill Group. Um,

1035

01:12:38,850 --> 01:12:39,400

however,

1036

01:12:39,400 --> 01:12:44,320

we note that at paragraph 1.1 0.1 of National Policy Statement

1037

01:12:44,320 --> 01:12:45,153

for wastewater

1038

01:12:47,120 --> 01:12:50,960

identifies that the N P S S relates to wastewater projects which fall within the

1039

01:12:50,960 --> 01:12:55,920

definition of an NIP as defined in Section 29 of planning Acts

1040

01:12:56,100 --> 01:12:56,933

2008.

1041

01:12:58,700 --> 01:13:01,920

And we understand that it does not form part of the applicant's case.

1042

01:13:01,920 --> 01:13:06,800

As we discussed earlier that the proposed development falls within Section 29 of

1043

01:13:07,140 --> 01:13:11,720

the Planning Act and that it's not necessary for us to explore this further.

1044

01:13:12,940 --> 01:13:17,680

We also note footnote six of the National Policy Statement for wastewater

1045

01:13:18,530 --> 01:13:21,700

Section 1.2 regarding Section 35 directions.

1046

01:13:23,430 --> 01:13:27,880

However, does this mean such projects are nips?

1047

01:13:27,920 --> 01:13:29,680

I think we've determined that it doesn't,

1048
01:13:30,900 --> 01:13:33,480
and therefore the M P SS applies,

1049
01:13:34,460 --> 01:13:39,410
noting that Footnote six doesn't specifically say that the M P SS is
going to

1050
01:13:39,410 --> 01:13:42,570
apply to Section 35 directions, um,

1051
01:13:43,910 --> 01:13:48,610
as you, as the applicant suggests or in showed us, that in the, for
example,

1052
01:13:48,930 --> 01:13:52,810
national Networks National Policy Statement, it does specifically
say that.

1053
01:13:54,830 --> 01:13:55,663
So

1054
01:13:58,340 --> 01:14:01,520
if the National Policy Statement for wastewater specifies that it
relates to

1055
01:14:03,510 --> 01:14:06,770
NIPS and this project is not an nip,

1056
01:14:09,080 --> 01:14:13,700
then how does the National Policy Statement for wastewater have
effect

1057
01:14:14,400 --> 01:14:15,233
for this project

1058
01:14:20,670 --> 01:14:21,770
To the applicant? Please.

1059
01:14:22,220 --> 01:14:26,700
Thank you, sir. Um, so I've,

1060

01:14:26,810 --> 01:14:31,580

I've got the N P SS up in front of me and I think we'll probably need to, uh,

1061

01:14:31,720 --> 01:14:34,380

be helpful if, if others could too.

1062

01:14:40,890 --> 01:14:43,790

Um, the answer to your first, oh,

1063

01:14:48,230 --> 01:14:51,340

Sorry. Uh, the answer to, uh,

1064

01:14:51,340 --> 01:14:54,860

the first part of your question on this, um,

1065

01:14:56,790 --> 01:15:01,210

uh, whether the N P s has effect is, uh, our answer is yes,

1066

01:15:02,070 --> 01:15:05,690

uh, it does have effect. And, um,

1067

01:15:06,270 --> 01:15:09,730

we would ask you to look again at the section

1068

01:15:10,190 --> 01:15:14,890

1 0 4, 1 0 5 legal submissions rather than going

1069

01:15:14,890 --> 01:15:19,410

through all, all of that, um, uh, uh, here,

1070

01:15:20,030 --> 01:15:24,090

uh, particularly at paragraph 1.7. Um,

1071

01:15:24,350 --> 01:15:27,010

but with the, um,

1072

01:15:27,950 --> 01:15:32,430

the N P SS says at 1 1 1,

1073

01:15:33,470 --> 01:15:38,040
this n p s sets out government policy for the provision of

1074

01:15:38,930 --> 01:15:43,440
major wastewater infrastructure defined in section 1.2

1075

01:15:43,770 --> 01:15:48,440
below. So if we then scroll down to 1.2,

1076

01:15:51,850 --> 01:15:54,630
But section 1.11 also says

1077

01:15:56,590 --> 01:16:00,480
that it relates to water projects with which fall within the de
definition of an

1078

01:16:00,590 --> 01:16:01,423
nsip.

1079

01:16:06,910 --> 01:16:11,530
It will be used by decision maker as the primary basis for

1080

01:16:11,810 --> 01:16:14,210
deciding applications, uh,

1081

01:16:14,390 --> 01:16:19,130
for developments that fall within the definition in section

1082

01:16:19,130 --> 01:16:23,490
29. So it, it will be used as the primary basis,

1083

01:16:24,630 --> 01:16:28,610
um, which doesn't mean that it, uh,

1084

01:16:28,660 --> 01:16:33,150
can't be used in other ways as well.

1085

01:16:34,100 --> 01:16:36,110
Then at section 1.2,

1086

01:16:37,120 --> 01:16:42,030

which is where 1.1 0.1 has directed us to look

1087

01:16:42,130 --> 01:16:42,963

for scope,

1088

01:16:44,670 --> 01:16:48,090

it says the 2008 ACT sets out the thresholds.

1089

01:16:49,550 --> 01:16:53,750

Um, and then we have, um,

1090

01:16:54,310 --> 01:16:55,150

footnote six.

1091

01:16:55,210 --> 01:16:59,190

So the setting out the thresholds that refers to part three of the Act,

1092

01:16:59,300 --> 01:17:02,310

section 29, and its following sections,

1093

01:17:03,290 --> 01:17:06,680

but it then says, um, part three,

1094

01:17:08,260 --> 01:17:12,990

the Secretary of State may also direct that an application is treated

1095

01:17:13,090 --> 01:17:17,790

as an application for an order granting DC under section 35,

1096

01:17:18,520 --> 01:17:22,230

where, uh, he thinks it's of national significance,

1097

01:17:23,530 --> 01:17:27,350

But it doesn't then go on to say the M P S applies to those particular projects.

1098

01:17:28,250 --> 01:17:32,310

It not in as clear terms as in the networks one. I agree,

1099

01:17:32,770 --> 01:17:36,070
and it, it might have been helpful if it had done,

1100
01:17:36,610 --> 01:17:40,230
but we have to work with what we've got, and

1101
01:17:41,880 --> 01:17:45,820
we have been directed to 1.2 for scope,

1102
01:17:46,840 --> 01:17:51,620
and 1.2 includes footnote six, uh,

1103
01:17:51,800 --> 01:17:56,420
and footnote six specifically spells out that there is this power

1104
01:17:57,070 --> 01:17:59,140
under Section 35. If, if,

1105
01:17:59,360 --> 01:18:03,020
if that was not intended to bring that within scope,

1106
01:18:03,850 --> 01:18:08,220
then it would, in my submission, have been positively misleading,

1107
01:18:08,730 --> 01:18:12,460
putting in that part of the footnote, um,

1108
01:18:12,600 --> 01:18:16,540
be because if section 35 projects are, uh,

1109
01:18:16,540 --> 01:18:20,150
totally out of scope, then, um, what,

1110
01:18:20,180 --> 01:18:24,670
what business has the N P Ss in referring to them at all, at,

1111
01:18:24,850 --> 01:18:29,510
at this part that I, I, well, I,

1112
01:18:29,740 --> 01:18:33,950
I've, I've said that I can't say it again. Okay. Um, but, but, um,

1113

01:18:35,740 --> 01:18:40,470

that in my submission is a powerful way of thinking about it. Um,

1114

01:18:40,470 --> 01:18:45,030

because otherwise it really would be misleading, um, case law.

1115

01:18:45,030 --> 01:18:48,230

The energy from waste case that we looked at briefly before,

1116

01:18:48,290 --> 01:18:51,990

and perhaps now I don't need to go back because I've already read.

1117

01:18:52,380 --> 01:18:56,830

Part of that tells us that the answer, um,

1118

01:18:57,170 --> 01:19:01,630

as to whether or not the N P s um, uh,

1119

01:19:02,570 --> 01:19:05,630

has effect is, um, one,

1120

01:19:05,770 --> 01:19:10,230

one has to construe the actual N P S itself. And, um,

1121

01:19:10,900 --> 01:19:14,990

I've made my submissions on how we ought to construe that.

1122

01:19:15,310 --> 01:19:16,030

Hmm. And the

1123

01:19:16,030 --> 01:19:17,270

Footnote six. Yeah,

1124

01:19:17,290 --> 01:19:19,110

The E F W Group Limited.

1125

01:19:20,760 --> 01:19:23,300

So the N P S N three doesn't mention anywhere.

1126

01:19:23,300 --> 01:19:26,900

Section 35 within it is that that was the reason for that. Yes.
Judgment.

1127

01:19:27,240 --> 01:19:27,970

Yes.

1128

01:19:27,970 --> 01:19:31,500

Yeah. So you are, so the difference between the N P S S for
wastewater is Yes.

1129

01:19:31,500 --> 01:19:32,780

Mentioned Section 35.

1130

01:19:32,810 --> 01:19:33,643

Exactly.

1131

01:19:33,920 --> 01:19:38,620

But the n p s for National Networks goes a step further deals with
the, I agree.

1132

01:19:38,820 --> 01:19:40,940

N P S applies to section 35 cases.

1133

01:19:41,460 --> 01:19:45,020

I agree. It deals with it in a different way. And, um,

1134

01:19:45,400 --> 01:19:49,660

but for the fact that we're not allowed to criticize national policy
YeahAnd,

1135

01:19:49,660 --> 01:19:53,300

I'll come on that understand trying how Bushel and the Secretary of
State, um,

1136

01:19:54,370 --> 01:19:54,660

then,

1137

01:19:54,660 --> 01:19:59,140

then one might be critical of the government of not making things
easier for all

1138

01:19:59,140 --> 01:20:03,180
of us working in this area, and especially for inspectors. But,

1139
01:20:03,480 --> 01:20:07,020
but really, it, it would be, um,

1140
01:20:07,340 --> 01:20:12,040
so much setting people off on a false trail to include it even in a
footnote

1141
01:20:12,140 --> 01:20:14,280
if, if it's not intended to be relevant.

1142
01:20:14,900 --> 01:20:18,960
And it's a footnote that sits within section 1.2. Um,

1143
01:20:21,740 --> 01:20:24,040
and, and yes, sir,

1144
01:20:25,100 --> 01:20:29,920
distinguishable from the energy from waste, uh, networks, uh,

1145
01:20:29,930 --> 01:20:34,440
sorry. Um, N P s. Mm-hmm. Okay. So we say our project is, uh,

1146
01:20:34,740 --> 01:20:37,120
in scope. Um,

1147
01:20:37,700 --> 01:20:40,680
do you want me to stop there or to deal with the, I think, so

1148
01:20:40,870 --> 01:20:44,070
Bullets, I think, I think we're going to have to, you know,

1149
01:20:44,230 --> 01:20:46,470
obviously think about it very carefully. Um,

1150
01:20:46,770 --> 01:20:51,630
it may be that safe Honey Hill Group would like to briefly address
that point.

1151

01:20:51,820 --> 01:20:53,830
Obviously you take a different view.

1152
01:20:54,290 --> 01:20:57,470
Yes, and I'll, I'll be brief as, um, the examining authority has raised a,

1153
01:20:57,470 --> 01:21:01,750
already raised a number of points, um, that Safe Honey Hill have made, um,

1154
01:21:02,050 --> 01:21:05,110
so safe. Honey Hill does not consider that the, um,

1155
01:21:05,470 --> 01:21:09,550
national policy statement has effect in relation to the proposed development.

1156
01:21:09,970 --> 01:21:14,590
And there are really two strands to this argument. Um, first of all,

1157
01:21:15,700 --> 01:21:20,670
fundamentally the E F W case makes clear that a Section 35 direction cannot have

1158
01:21:21,030 --> 01:21:22,870
the effect of bringing a development,

1159
01:21:22,870 --> 01:21:26,350
which is not an nsip into the decision making framework pursuant to Section

1160
01:21:26,370 --> 01:21:27,203
1 0 4.

1161
01:21:27,250 --> 01:21:32,230
And that's really all that E F W says in relation to this case. Um,

1162
01:21:32,270 --> 01:21:35,670
particularly given it's dealing with a different national policy statement as

1163

01:21:35,670 --> 01:21:36,503
well. Um,

1164
01:21:36,790 --> 01:21:41,430
Although I suppose bearing in mind there's no reference to Section
35 in that

1165
01:21:41,430 --> 01:21:42,430
particular N P s

1166
01:21:43,250 --> 01:21:44,080
Yes.

1167
01:21:44,080 --> 01:21:44,913
Which

1168
01:21:46,450 --> 01:21:51,120
there is in this N P S and there is more so in other mps as it, it
seems,

1169
01:21:51,620 --> 01:21:51,860
But,

1170
01:21:51,860 --> 01:21:55,720
but in terms of what E F W was deciding and what's binding as a
result of that

1171
01:21:55,750 --> 01:21:59,960
case, um, is that narrow ratio that,

1172
01:22:00,740 --> 01:22:03,320
um, in that case,

1173
01:22:03,340 --> 01:22:07,000
the Section 35 direction could not have the effect of bringing the
development

1174
01:22:07,110 --> 01:22:10,840
into Section 1 0 4, uh, and save. Honey Hill would say that it,

1175
01:22:11,060 --> 01:22:15,240
the case is not authority for a general pro proposition, um,

1176

01:22:15,240 --> 01:22:18,440

that it's possible for national policy in the form of a national policy

1177

01:22:18,440 --> 01:22:23,200

statement to determine whether section 1 0 4 or section 1 0 5 should apply.

1178

01:22:23,900 --> 01:22:27,360

And the better view is that Section 1 0 4 should only apply to projects which

1179

01:22:27,360 --> 01:22:30,520

Parliament has determined a nationally significant through the Planning Act,

1180

01:22:30,860 --> 01:22:34,360

and that it should not be possible to expand the scope of section 1 0 4 through

1181

01:22:34,640 --> 01:22:39,550

a policy statement. Um, and the second,

1182

01:22:39,850 --> 01:22:40,830

the second submission,

1183

01:22:41,420 --> 01:22:45,190

even if one has to look to the National Policy Statement to determine whether

1184

01:22:45,190 --> 01:22:48,150

section 1 0 4 or section 1 0 5 applies,

1185

01:22:48,640 --> 01:22:52,270

there is nothing in the National Policy Statement for wastewater to indicate

1186

01:22:52,270 --> 01:22:53,910

that it does have effect for development,

1187

01:22:54,120 --> 01:22:58,110

which is below the threshold for an nsip and subject to a Section 35 direction

1188

01:22:58,570 --> 01:23:02,350

for a number of the reasons that the examining authority has also has already

1189

01:23:02,350 --> 01:23:04,070

raised. But, um,

1190

01:23:04,990 --> 01:23:07,960

safe Honey Hill would just draw further attention to, um,

1191

01:23:08,240 --> 01:23:12,080

bearing in mind the need to consider what the National Policy Statement says as

1192

01:23:12,080 --> 01:23:15,440

a whole when interpreting it. Paragraphs 3.1,

1193

01:23:15,440 --> 01:23:18,040

0.2 of the National Policy Statement for wastewater,

1194

01:23:22,530 --> 01:23:23,363

which says,

1195

01:23:23,610 --> 01:23:27,440

given the level and urgency of need for intro infrastructure of the types

1196

01:23:27,440 --> 01:23:30,760

covered by this N P Ss set out in part two of this N p s,

1197

01:23:30,760 --> 01:23:33,960

the decision maker should start with a presumption in favor of granting consent

1198

01:23:34,140 --> 01:23:38,440

to applications for wastewater nips. So again, very clearly referring to nips

1199

01:23:40,220 --> 01:23:42,360

and also paragraph 1.4, 0.4,

1200

01:23:49,030 --> 01:23:52,930

um, um, the, the main negative effects of the N P SS are related to noise,

1201

01:23:52,930 --> 01:23:55,330

landscape, townscape and visual effects and archeology,

1202

01:23:55,330 --> 01:23:56,930

archeology and cultural heritage.

1203

01:23:57,420 --> 01:24:00,450

These reflect the fact that the population equivalent threshold in the Planning

1204

01:24:00,470 --> 01:24:04,250

Act 2008 is likely to limit the geographical location of potential projects to

1205

01:24:04,250 --> 01:24:09,050

very large conation. So again, referring to the threshold in the Planning Act,

1206

01:24:09,310 --> 01:24:11,490

um, and not to section 35 directions,

1207

01:24:11,790 --> 01:24:15,170

the only mention of Section 35 in the whole of the N P Ss, um,

1208

01:24:15,190 --> 01:24:16,970

we are dealing with is in that footnote.

1209

01:24:19,240 --> 01:24:23,450

Okay. Thank you. Um, so

1210

01:24:25,010 --> 01:24:25,843

I suppose

1211

01:24:28,150 --> 01:24:32,330

I'm interested your views on what's the actual difference between consideration

1212

01:24:32,330 --> 01:24:37,290

under Section 1 0 4 and 1 0 5? Because in either case,

1213

01:24:39,900 --> 01:24:44,090

would, would, would we need to say counter the M P s for wastewater,

1214

01:24:45,410 --> 01:24:50,100

another legislation and policy such as development Plan and P P F in any event?

1215

01:24:50,360 --> 01:24:51,193

So,

1216

01:24:51,760 --> 01:24:52,290

Um,

1217

01:24:52,290 --> 01:24:56,260

What, what, you know, would we Yes. Would we arrive at a different outcome?

1218

01:24:56,560 --> 01:24:59,580

How we would we, if we took one into account and or not?

1219

01:25:00,440 --> 01:25:03,380

So you anticipate me. Thank you. Um,

1220

01:25:03,640 --> 01:25:07,620

we say that you would not arrive at a different outcome,

1221

01:25:07,880 --> 01:25:11,820

and you've asked us a question about reporting and, um,

1222

01:25:11,990 --> 01:25:14,660

we've made clear in the legal submissions note, and I,

1223

01:25:14,900 --> 01:25:19,100

I reiterate with great respect now, um, that,

1224

01:25:19,170 --> 01:25:23,820

that we would ask you to report on both bases because

1225

01:25:23,960 --> 01:25:28,940

the Secretary of State will ultimately need to take a view about all of

1226

01:25:28,940 --> 01:25:33,780

this. It's, there's clearly an, an issue of dispute, um,

1227

01:25:35,900 --> 01:25:39,770

Being raised by Honey Hill about it. And, uh,

1228

01:25:39,770 --> 01:25:44,610

it will certainly assist the Secretary of State to have a comprehensive report,

1229

01:25:44,860 --> 01:25:49,570

which looks at it under both avenues as it as it were.

1230

01:25:50,070 --> 01:25:51,650

And we say, uh,

1231

01:25:51,650 --> 01:25:56,290

that there should be a positive recommendation under either avenue. Um,

1232

01:25:57,190 --> 01:26:01,450

so just may I pick up on one or two other things,

1233

01:26:01,450 --> 01:26:05,880

which also I hope will help to answer your questions. Um,

1234

01:26:07,330 --> 01:26:12,230

Ms. Kin writer referred to the, the, uh, limited, uh,

1235

01:26:12,510 --> 01:26:17,350

binding effect or the confined ratio of the energy from waste

1236

01:26:17,580 --> 01:26:18,413

case. Um,

1237

01:26:18,850 --> 01:26:23,070

and all of that is lawyer speak for,

1238

01:26:23,290 --> 01:26:24,750

for meaning, um,

1239

01:26:26,500 --> 01:26:31,030

what the case fundamentally decides and constraints upon, um,

1240

01:26:31,350 --> 01:26:36,150

decision makers. Um, so as, as I said when I first,

1241

01:26:36,570 --> 01:26:41,070

um, answered your question under this heading, um,

1242

01:26:42,540 --> 01:26:43,310

case law, Mr.

1243

01:26:43,310 --> 01:26:48,270

Justice Dove tells us that the answer about whether an N P S

1244

01:26:48,270 --> 01:26:50,350

has effect or not in,

1245

01:26:50,450 --> 01:26:54,430

in a particular case depends on construing

1246

01:26:55,070 --> 01:26:59,110

interpreting, understanding the actual N P s,

1247

01:26:59,540 --> 01:27:04,310

that is the ratio. Um, that's the kernel of the, um,

1248

01:27:04,530 --> 01:27:09,110

of the decision. And, um, I,

1249

01:27:09,350 --> 01:27:13,920

I would therefore just reaffirm that.

1250

01:27:13,980 --> 01:27:18,920

And the fact that energy from waste was dealing with a different N P s doesn't

1251

01:27:18,920 --> 01:27:19,960
alter that principle.

1252

01:27:19,980 --> 01:27:24,680
The judge laid down a principle about how to resolve these questions,

1253

01:27:24,700 --> 01:27:26,680
and that was it. Um,

1254

01:27:36,560 --> 01:27:40,390
Sorry, you have asked us somewhere,

1255

01:27:40,450 --> 01:27:45,230
and I think it may be in a separate suite of questions, um,

1256

01:27:45,380 --> 01:27:47,350
whether or not, um,

1257

01:27:48,530 --> 01:27:51,150
we are saying that the, um,

1258

01:27:55,130 --> 01:27:58,690
national policy statements, sorry, notes the same set of questions.
Uh,

1259

01:27:58,830 --> 01:28:03,570
we say that it, it does have effect, um,

1260

01:28:06,310 --> 01:28:10,570
but, um, we do not suggest, um,

1261

01:28:10,960 --> 01:28:15,010
that it, that we attract the presumption, um,

1262

01:28:15,470 --> 01:28:20,290
and it may that that will help to narrow the difference between ourselves and

1263

01:28:20,340 --> 01:28:24,690

Honey Hill. Um, okay. They hear me saying that, um, so Sarah,

1264

01:28:24,770 --> 01:28:27,170

I know you've not asked me that question just at the moment,

1265

01:28:27,590 --> 01:28:29,650

and I'm slightly jumping ahead. Yep. We thought it

1266

01:28:29,650 --> 01:28:30,690

Might be helpful. We do. We come that,

1267

01:28:30,690 --> 01:28:32,290

but it's useful to hear that at this point,

1268

01:28:32,290 --> 01:28:34,010

so we don't necessarily need to address that later.

1269

01:28:34,120 --> 01:28:35,170

Yeah. Thank you. So,

1270

01:28:35,170 --> 01:28:37,730

Effectively, if it doesn't, if it doesn't,

1271

01:28:37,730 --> 01:28:40,730

if the presumption doesn't apply as you're suggesting Yes.

1272

01:28:41,030 --> 01:28:41,610

And you

1273

01:28:41,610 --> 01:28:45,130

Then need to demonstrate a need case for the Yeah. Development

1274

01:28:45,370 --> 01:28:49,170

Incident. And so what,

1275

01:28:50,200 --> 01:28:53,130

what we're saying, uh, is, sorry, it's, um,

1276

01:28:53,440 --> 01:28:57,210

darting around between my notes on your questions, um,

1277

01:28:57,310 --> 01:29:00,490

but it's making us go faster in the end. Yes.

1278

01:29:00,660 --> 01:29:03,640

Under either section 1 0 4 or 1 0 5,

1279

01:29:04,740 --> 01:29:09,360

and as a matter of general administrative law, um,

1280

01:29:09,700 --> 01:29:13,960

all material considerations must be taken into account, um,

1281

01:29:14,310 --> 01:29:17,400

weighed up and considered in the final balance.

1282

01:29:17,940 --> 01:29:22,840

That's really sort of obvious lesson one stuff.

1283

01:29:23,580 --> 01:29:27,460

Um, but the,

1284

01:29:27,560 --> 01:29:31,370

the difference is that section 1 0 4 3

1285

01:29:32,090 --> 01:29:36,210

requires a decision in accordance with the N P S

1286

01:29:36,750 --> 01:29:40,770

unless one of the exempting circumstances applies,

1287

01:29:40,860 --> 01:29:44,490

which we say they do not apply. Mm-hmm.

1288

01:29:44,990 --> 01:29:49,930

But under, um, section 1 0 5, um,

1289

01:29:51,390 --> 01:29:52,490

it, it's, it's,

1290

01:29:52,710 --> 01:29:57,250

you're still going to be required to take into account anything that seems to

1291

01:29:57,330 --> 01:30:00,490

you or the Secretary of State as material and relevant,

1292

01:30:00,790 --> 01:30:05,250

and that's clearly going to include, uh, policy in the N P F.

1293

01:30:05,710 --> 01:30:10,250

So just because it's decided under Section 1 0 5 doesn't mean

1294

01:30:10,640 --> 01:30:15,250

that the N P SS ceases to have anything to say, uh, about,

1295

01:30:15,470 --> 01:30:18,970

uh, wastewater infrastructure. And so the,

1296

01:30:19,110 --> 01:30:22,650

the difference is actually quite narrow, we say.

1297

01:30:25,260 --> 01:30:28,570

Would, would you like to, um, make any comments on that as well?

1298

01:30:28,640 --> 01:30:32,610

Just one comment because, um, really, uh, the crucial difference,

1299

01:30:33,150 --> 01:30:35,370

one of the crucial differences is the presumption of need.

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01:30:35,370 --> 01:30:40,050

So it's very much welcomed that that is, um, not being taken as a point. Um,

1301

01:30:40,150 --> 01:30:43,570

but the other, uh, difference is that under section 1 0 5, the,

1302

01:30:43,670 --> 01:30:46,810

the adopted local development plan or the development plan for the area should

1303

01:30:46,810 --> 01:30:50,770

be the primary consideration because without the direction, um,

1304

01:30:50,840 --> 01:30:55,570

that is what would be applied to the development in the ordinary scenario. So,

1305

01:30:55,710 --> 01:30:59,770

um, safe Honey Hill would say that is the primary consideration for the decision

1306

01:31:00,010 --> 01:31:02,850

maker. Um, the N P SS obviously is a material consideration,

1307

01:31:02,910 --> 01:31:05,010

but it is not the primary consideration.

1308

01:31:07,580 --> 01:31:09,800

Is it primary or is it important and relevant?

1309

01:31:12,680 --> 01:31:13,513

It,

1310

01:31:14,470 --> 01:31:18,870

It will be important and relevant, but the, the,

1311

01:31:18,890 --> 01:31:20,030

the primary that the,

1312

01:31:20,490 --> 01:31:22,990

the development should first be tested against the development plan,

1313

01:31:22,990 --> 01:31:25,310

and that should really be the focus and then the,

1314

01:31:25,330 --> 01:31:27,990

the N P s as a sec secondary consideration.

1315

01:31:28,700 --> 01:31:30,670

Okay. Would you like to come back on that at all?

1316

01:31:31,330 --> 01:31:34,950

So we don't accept that that's what the N P S says, uh,

1317

01:31:35,010 --> 01:31:39,350

or that we don't accept that that's what the law says under planning Act 2008,

1318

01:31:39,350 --> 01:31:43,910

either. Um, development plan, as you have suggested,

1319

01:31:44,540 --> 01:31:49,390

important and relevant alongside many other things such as emerging

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01:31:49,390 --> 01:31:51,630

development plans, but not primary.

1321

01:31:55,710 --> 01:31:56,860

Sorry. There's, there's

1322

01:32:08,070 --> 01:32:12,800

section 38 6 of the 1990 ACT is not imported

1323

01:32:13,150 --> 01:32:17,000

into the 2008 act by anything.

1324

01:32:17,000 --> 01:32:19,280

Mm-hmm. So is there anywhere in the planning act that's,

1325

01:32:19,280 --> 01:32:23,680

that sort of specifically says that the development plan takes primacy in

1326

01:32:23,830 --> 01:32:25,240

section 1 0 5?

1327

01:32:26,460 --> 01:32:26,920

No, but

1328

01:32:26,920 --> 01:32:28,200

That's, uh, infrastructure project,

1329

01:32:28,820 --> 01:32:32,320

No, but that is the approach that's been taken by other examining authorities.

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01:32:32,420 --> 01:32:33,180

For example,

1331

01:32:33,180 --> 01:32:38,160

the examining authority in the E F W case on the basis that absent the section

1332

01:32:38,160 --> 01:32:42,520

35 direction, the development would've been considered against the, um,

1333

01:32:44,050 --> 01:32:48,190

the, the adopted development plan. And we safe, Sapen Hill would invite, um,

1334

01:32:48,340 --> 01:32:50,550

this examining authority to adopt the same approach.

1335

01:32:52,420 --> 01:32:55,950

Okay. We'll take all of those comments and your views into account.

1336

01:32:58,170 --> 01:33:03,030

Um, I'm conscious it's half past three and I did say we would take a break

1337

01:33:05,330 --> 01:33:07,990

uhs hoping we'll be a bit further through. But I,

1338

01:33:08,110 --> 01:33:11,430

I think we'll take a break for 15 minutes and, um,

1339

01:33:12,300 --> 01:33:16,110

come back at 3 45. So for the time being,

1340

01:33:16,250 --> 01:33:19,320

the hearing is adjourned until 3 45.