

WEBVTT – This file was automatically generated by event.video

0

00:00:01.315 --> 00:00:02.165

Good morning everyone.

1

00:00:03.035 --> 00:00:04.925

It's now 11:00 AM and time for this hearing.

2

00:00:04.945 --> 00:00:07.365

To begin, uh, I'd like to welcome you all

3

00:00:07.365 --> 00:00:09.045

to this compulsory acquisition hearing.

4

00:00:10.005 --> 00:00:12.425

Can I con just confirm that everybody can hear me clearly.

5

00:00:19.715 --> 00:00:21.935

Can I also confirm with Ms. Allen that the live stream

6

00:00:21.935 --> 00:00:23.135

of the event has commenced?

7

00:00:32.885 --> 00:00:35.675

Thank you for those people watching the livestream.

8

00:00:36.215 --> 00:00:37.435

Can I also advise that?

9

00:00:37.855 --> 00:00:40.275

Should we at any point to adjo proceedings this morning,

10

00:00:40.685 --> 00:00:42.315

we'll have to stop the livestream in order

11

00:00:42.315 --> 00:00:45.435

to give us clear recording files as a result, at the point

12

00:00:45.435 --> 00:00:46.835

of which we recommend the hearing

13
00:00:47.815 --> 00:00:49.635
and restart the livestream, you'll need

14
00:00:49.635 --> 00:00:53.395
to refresh your browser page and view the restarted stream.

15
00:00:54.195 --> 00:00:56.245
I'll reminder of this again, should we need to adjourn.

16
00:00:58.155 --> 00:01:00.365
This compulsory acquisition hearing is in relation

17
00:01:00.365 --> 00:01:03.005
to the application made by Anglia Water Services Limited,

18
00:01:03.785 --> 00:01:05.205
who we'll refer to as the applicant

19
00:01:05.905 --> 00:01:07.725
for an order granting development consent

20
00:01:07.725 --> 00:01:09.405
for the Cambridge Wastewater treatment

21
00:01:09.405 --> 00:01:10.565
plant relocation project.

22
00:01:12.645 --> 00:01:13.995
Thank you for attending this hearing.

23
00:01:14.895 --> 00:01:15.915
My name is Alex Hudson.

24
00:01:16.295 --> 00:01:17.395
I'm a charter town planner

25
00:01:17.455 --> 00:01:18.835
and a chartered landscape planner.

26
00:01:19.295 --> 00:01:20.835

I'm a planning inspector employed

27

00:01:20.835 --> 00:01:22.035
by the planning inspectorate,

28

00:01:22.615 --> 00:01:24.915
and I've been appointed by the Secretary State

29

00:01:24.915 --> 00:01:26.595
for leveling up housing and communities

30

00:01:26.935 --> 00:01:28.715
to be the lead member of the panel

31

00:01:28.735 --> 00:01:31.875
to examine this application, I'm now going

32

00:01:31.875 --> 00:01:34.115
to ask the other panel members who've also been appointed

33

00:01:34.135 --> 00:01:37.035
by the same section state to examine this application

34

00:01:37.215 --> 00:01:38.275
to introduce themselves.

35

00:01:40.555 --> 00:01:42.645
Good morning. My name is Helena Reky.

36

00:01:42.645 --> 00:01:44.525
I'm a chartered town planner and planning inspector.

37

00:01:45.915 --> 00:01:48.365
Good morning. My name is Paul Burley.

38

00:01:48.545 --> 00:01:51.045
I'm a chartered town planner and planning inspector.

39

00:01:51.835 --> 00:01:53.125
I'll now hand back to Mr. Hudson.

40

00:01:54.925 --> 00:01:56.765

Together we constitute the examining authority

41

00:01:56.825 --> 00:01:59.765

for this application and we'll be reporting to the Secretary

42

00:01:59.765 --> 00:02:01.045

of State for Environment Food

43

00:02:01.825 --> 00:02:03.765

and Rule Affairs with the recommendation as

44

00:02:03.765 --> 00:02:06.045

to whether the the development consent order should be made.

45

00:02:08.405 --> 00:02:10.545

Can I begin by asking if there's anyone here today

46

00:02:11.325 --> 00:02:13.345

who did not attend, uh, the preliminary meeting

47

00:02:13.565 --> 00:02:16.105

or any previous hearings held in October last year,

48

00:02:16.805 --> 00:02:18.385

either in person or virtually,

49

00:02:19.325 --> 00:02:20.945

or watch the live stream of the event?

50

00:02:21.325 --> 00:02:22.905

Um, as if there are no new attendees

51

00:02:22.905 --> 00:02:24.665

and I can shorten the housekeeping matters.

52

00:02:36.135 --> 00:02:38.095

I think it should be on green if it's working.

53

00:02:44.505 --> 00:02:46.245

Is it possible to get some technical support?

54

00:02:46.835 --> 00:02:48.685

Does the microphone to your right work?

55

00:02:53.885 --> 00:02:56.475

Thank you. Does that Yes. Yes. Good morning.

56

00:02:56.655 --> 00:02:58.475

Uh, my name is Sarah Marshall.

57

00:02:58.695 --> 00:03:01.445

I'm a senior planning lawyer at National Highways.

58

00:03:02.005 --> 00:03:03.765

I was not at the preliminary hearing

59

00:03:04.945 --> 00:03:09.045

and my colleague Alice Lawman, also from National Highways,

60

00:03:09.225 --> 00:03:11.965

she attended the preliminary hearing, um, virtually.

61

00:03:12.955 --> 00:03:15.085

Okay, so it may be that I don't need to go

62

00:03:15.085 --> 00:03:19.415

through the housekeeping Madison substantial detail. You

63

00:03:19.415 --> 00:03:21.935

Don't need to do housekeeping in, you don't need

64

00:03:21.935 --> 00:03:23.855

to do the housekeeping in substantial detail. That's

65

00:03:23.855 --> 00:03:24.855

Fine. Okay. Thank you.

66

00:03:24.855 --> 00:03:26.175

Um, are there any other,

67

00:03:26.675 --> 00:03:29.355

is there anybody else who wasn't here?

68

00:03:29.555 --> 00:03:31.635

I can't see any virtual hands up either.

69

00:03:34.735 --> 00:03:39.415

Okay. Um, I'd like

70

00:03:39.415 --> 00:03:41.615

to remind you that this hearing is being recorded

71

00:03:41.715 --> 00:03:43.335

and that the recording will be retained

72

00:03:43.335 --> 00:03:45.415

for five years from the Secretary of State's decision

73

00:03:45.835 --> 00:03:47.015

by the planning inspectorate.

74

00:03:48.115 --> 00:03:50.775

An audio recording of today's hearing will be available on

75

00:03:50.775 --> 00:03:52.255

this pro on the project page

76

00:03:52.255 --> 00:03:54.015

of the National Infrastructure Planning website

77

00:03:54.915 --> 00:03:55.975

as soon as practical.

78

00:03:55.985 --> 00:03:59.335

After this hearing when you speak,

79

00:03:59.335 --> 00:04:00.495

could you please speak clearly

80

00:04:00.495 --> 00:04:02.295

and give your name every time you do so.

81

00:04:03.035 --> 00:04:05.415

Can I also remind you to turn off phones and laptops

82

00:04:05.415 --> 00:04:07.335

or switch notifications to silent?

83

00:04:09.605 --> 00:04:11.635

We're not expecting any fire alarms today.

84

00:04:12.095 --> 00:04:13.955

If the alarm goes off, then the procedure is

85

00:04:13.955 --> 00:04:16.195

to leave the room and exit the building by the main stairs

86

00:04:17.015 --> 00:04:18.915

and assemble at the front of the hotel.

87

00:04:20.235 --> 00:04:22.975

Um, I intend that we'll take a break around 12:30 PM

88

00:04:23.955 --> 00:04:26.015

and further breaks as necessary, um,

89

00:04:26.015 --> 00:04:29.375

because of the late start, late start sales, hoping

90

00:04:29.375 --> 00:04:31.135

that we'd take, say 45 minutes

91

00:04:31.195 --> 00:04:32.295

for lunch rather than an hour.

92

00:04:32.515 --> 00:04:35.175

Um, is everybody happy with this?

93

00:04:40.245 --> 00:04:43.995

Sorry, I saw a hadn't go up at the back. No. Okay.

94

00:04:44.295 --> 00:04:45.835

And, uh, virtually as well.

95

00:04:50.475 --> 00:04:55.275

Okay. Um,

96

00:04:55.375 --> 00:04:56.835

if there are no further housekeeping matters,

97

00:04:56.905 --> 00:04:57.915

then I'll move on.

98

00:05:04.245 --> 00:05:06.545

The hearing will follow the agenda

99

00:05:06.605 --> 00:05:07.905

as published on the project page

100

00:05:07.905 --> 00:05:10.265

of the National Infrastructure Planning Websites on the

101

00:05:10.425 --> 00:05:11.945

20th of December, 2023.

102

00:05:13.125 --> 00:05:16.265

You can also find the agenda available on the website

103

00:05:16.885 --> 00:05:20.905

in the examination library, a reference EVO oh six A.

104

00:05:24.195 --> 00:05:26.095

Please have a copy of the agenda to hand.

105

00:05:26.315 --> 00:05:28.175

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

106

00:05:29.435 --> 00:05:30.775

The agenda is for guidance only

107

00:05:30.875 --> 00:05:32.495

and we may add other considerations

108

00:05:32.555 --> 00:05:33.895

or issues as we progress.

109

00:05:34.825 --> 00:05:36.135

We'll conclude the hearing as soon

110

00:05:36.135 --> 00:05:37.895

as all relevant contributions have been made

111

00:05:38.555 --> 00:05:40.535

and all questions asked and responded to.

112

00:05:41.355 --> 00:05:43.215

But if the discussions can't be concluded,

113

00:05:43.375 --> 00:05:46.055

then it may be necessary for us to prioritize matters

114

00:05:46.155 --> 00:05:48.495

and defer other matters to further written questions.

115

00:05:49.955 --> 00:05:52.475

Likewise, if you cannot answer the questions being asked

116

00:05:52.815 --> 00:05:54.995

or require time to get the information requested,

117

00:05:55.705 --> 00:05:56.915

then can you please indicate

118

00:05:56.915 --> 00:05:58.165

that you need to respond in writing.

119

00:06:00.595 --> 00:06:03.205

Some of the questions that we may ask today may also appear

120

00:06:03.305 --> 00:06:05.485

in our second written questions, which are due

121

00:06:05.485 --> 00:06:07.045

to be published on the 31st of January.

122

00:06:08.715 --> 00:06:10.375

If you've answered the question in this hearing,

123

00:06:10.575 --> 00:06:13.055

I will submit your written summary of your oral submissions

124

00:06:13.595 --> 00:06:16.695

to this hearing, uh, required by deadline

125

00:06:16.715 --> 00:06:19.375

for on Monday the 22nd of January.

126

00:06:20.085 --> 00:06:22.175

Then feel free to refer to this in your answer

127

00:06:22.175 --> 00:06:23.375

to the relevant written question.

128

00:06:25.635 --> 00:06:28.185

Throughout this hearing, we'll be likely be referring

129

00:06:28.185 --> 00:06:30.385

to documents which you may wish to have access to.

130

00:06:31.205 --> 00:06:33.945

We may also ask that these be shared on the large screens.

131

00:06:35.305 --> 00:06:37.815

These include the draft development consent order

132

00:06:38.915 --> 00:06:43.095

rep 3 0 0 3, the book of reference Rep 3 0 0 9

133

00:06:43.905 --> 00:06:46.175

State of Reasons Rep 1 0 0 9

134

00:06:46.965 --> 00:06:50.415

funding statement A PP 0 1 3,

135

00:06:51.765 --> 00:06:55.195

compulsory acquisition Schedule Rep 3 0 1 3,

136

00:06:56.055 --> 00:06:59.595

the statutory undertakers Progress Schedule Rep 3 0 1 5,

137

00:07:00.725 --> 00:07:05.465

the works plans as one 50 Land Plans Rep 1 0 1 16,

138

00:07:06.405 --> 00:07:08.585

the Crown Land Plans Rep 1 0 1 7

139

00:07:09.245 --> 00:07:11.905

and the biodiversity net gain Assessment Reports

140

00:07:11.965 --> 00:07:13.105

rep 2 0 2 oh.

141

00:07:17.525 --> 00:07:19.585

I'm now going to ask those of you up

142

00:07:19.725 --> 00:07:21.305

who are participating in today's hearing

143

00:07:21.365 --> 00:07:23.625

to introduce yourselves when I say

144

00:07:23.625 --> 00:07:24.785

to your organization's name,

145

00:07:25.435 --> 00:07:27.545

could you please introduce yourself stating your

146

00:07:27.545 --> 00:07:28.665

name and whom you represent.

147

00:07:29.365 --> 00:07:31.625

Please could you also state how you wish to be addressed?

148

00:07:31.785 --> 00:07:33.305

IE Mr. And Mrs. Miss Ms.

149

00:07:34.085 --> 00:07:36.145

Uh, can we start with the applicant please

150

00:07:36.205 --> 00:07:37.585

and any of its advisors?

151

00:07:39.185 --> 00:07:42.155

Morning sir. Mrs. Michelle Moss of

152

00:07:42.215 --> 00:07:44.435

of ever shed Sutherland for the applicant.

153

00:07:47.795 --> 00:07:50.735

And I'll, I'll now invite the person sitting next

154

00:07:50.735 --> 00:07:51.895

to me to introduce themselves.

155

00:07:52.325 --> 00:07:55.765

Okay. Thank you. Morning sir. Uh, Mr.

156

00:07:56.165 --> 00:07:59.855

Ian Cuts Charter VEA

157

00:08:00.315 --> 00:08:03.895

and a director at SAVIS representing the applicant.

158

00:08:09.175 --> 00:08:12.385

Good morning, sir. Uh, Mr. Kirk McDermott, a director

159

00:08:12.385 --> 00:08:14.345

of savis, uh, on behalf of the applicant.

160

00:08:19.665 --> 00:08:21.915

Good morning, sir. John Balls, Mr.

161

00:08:22.245 --> 00:08:23.995

Balls, if, if that's suitable.

162

00:08:24.575 --> 00:08:27.115

Um, I'm a Charter town planner, um,

163

00:08:27.455 --> 00:08:30.155

and I act as planning consultant at Anglia Water.

164

00:08:32.415 --> 00:08:33.435

Uh, good morning, Mrs.

165

00:08:33.435 --> 00:08:35.275

Kate Radford solicitor the applicant.

166

00:08:42.155 --> 00:08:43.415

That's everyone from the applicant?

167

00:08:43.835 --> 00:08:45.015

Yes. Yes. Okay, thank you.

168

00:08:47.335 --> 00:08:49.395

Um, can we then move on to any local authorities,

169

00:08:49.655 --> 00:08:50.875

um, government bodies?

170

00:08:51.095 --> 00:08:54.535

So, um, Cambridge County Council,

171

00:08:54.655 --> 00:08:55.925

I believe are virtual today.

172

00:09:00.265 --> 00:09:02.765

The they are sir. Uh, Dave,

173

00:09:09.615 --> 00:09:11.195

uh, David Harford, uh,

174

00:09:11.305 --> 00:09:13.475

project manager at Cambridge County Council.

175

00:09:17.185 --> 00:09:18.555

Good, good morning, sir.

176

00:09:18.895 --> 00:09:20.275

I'm not sure whether you can see me,

177

00:09:20.335 --> 00:09:22.275

but, um, my name is Selena Kaho. Yeah, we

178

00:09:22.275 --> 00:09:23.275

Can, yeah.

179

00:09:23.425 --> 00:09:25.685

Um, uh, and I'm council for, uh,

180

00:09:25.705 --> 00:09:27.805

and appearing on behalf of Cambridge County Council as well.

181

00:09:29.965 --> 00:09:32.775

Okay, thank you. Is that everyone

182

00:09:32.775 --> 00:09:33.935

for Cambridge or county Council?

183

00:09:38.285 --> 00:09:41.905

Yes. Okay. Uh, c thank you. And Cambridge city council.

184

00:09:45.895 --> 00:09:48.275

So as you know, I I also represent the city council.

185

00:09:48.385 --> 00:09:50.555

They are not appearing today, uh,

186

00:09:50.555 --> 00:09:52.955

because I, we, we understood from the agenda

187

00:09:52.955 --> 00:09:55.755

that it was only that the county council that you required,

188

00:09:56.135 --> 00:09:58.035

if there are issues, sir, that arise,

189

00:09:58.145 --> 00:09:59.875

then certainly I can take instruction

190

00:09:59.875 --> 00:10:01.195

and take that to the city council.

191

00:10:02.625 --> 00:10:04.355

Okay, thank you. Yes, please.

192

00:10:06.935 --> 00:10:09.325

Hello? Um, I'm Fiona Fiona Bryant.

193

00:10:09.545 --> 00:10:12.005

Mrs. Bryant, I'm director at Cambridge City Council

194

00:10:12.545 --> 00:10:14.605

and I represent a council as landowner.

195

00:10:15.635 --> 00:10:20.515

Okay, thank you. Um, we also have,

196

00:10:21.765 --> 00:10:24.695

well, great Cambridge Shared Planning Services representing

197

00:10:25.785 --> 00:10:28.275

Cambridge City Council, south Cambridge District Council.

198

00:10:28.455 --> 00:10:32.715

Is that, is there anybody else virtually

199

00:10:32.815 --> 00:10:34.855

who is taking that role?

200

00:10:39.175 --> 00:10:42.795

Uh, f forgive me for, for tho for, for the, uh, Ms.

201

00:10:42.805 --> 00:10:44.955

Bryer in the audience, but, um, uh, again,

202

00:10:45.055 --> 00:10:48.715

my instruction was that the district council was also not

203

00:10:49.555 --> 00:10:52.275

formally going to be here other than through me.

204

00:10:52.455 --> 00:10:55.715

Uh, and again, as with the, the city, if there are issues

205

00:10:55.715 --> 00:10:58.475

that arise, but clearly we can, we can, you can direct them

206

00:10:58.475 --> 00:10:59.635

to me and I can take instruction.

207

00:11:00.985 --> 00:11:04.795

Okay, thank you. Um, can we then move on to

208

00:11:06.835 --> 00:11:09.195

affected persons who've expressed a wish to speak?

209

00:11:09.335 --> 00:11:10.595

Um, starting with Liz Cotton?

210

00:11:13.285 --> 00:11:17.675

Hello, uh, Liz Cotton, um, uh, you can call me Liz Cotton.

211

00:11:17.855 --> 00:11:21.515

Uh, and I'm here, um, representing, uh, um, myself

212

00:11:21.575 --> 00:11:24.635

and my husband and also our neighbors

213

00:11:24.635 --> 00:11:26.035

who are unable to attend.

214

00:11:28.075 --> 00:11:32.025

Thank you. Um, we also have Gunville Keys College,

215

00:11:32.095 --> 00:11:33.625

virtually, I believe.

216

00:11:34.995 --> 00:11:38.665

Hello, uh, Rebecca Sharp from Bidwells representing Golin

217

00:11:38.665 --> 00:11:40.225

Keys as an effective landowner.

218

00:11:42.815 --> 00:11:45.145

Okay, thank you. I couldn't see you on the screen then.

219

00:11:45.245 --> 00:11:47.025

Are you, do you have your camera on?

220

00:11:49.755 --> 00:11:51.105

Sorry, didn't have camera on.

221

00:11:51.325 --> 00:11:53.325

Uh, just put it on now. Alright.

222

00:11:53.595 --> 00:11:56.045

Okay. Thank you. Thank you.

223

00:11:57.265 --> 00:12:00.885

Um, and we have Margaret Starkey virtually as well.

224

00:12:08.925 --> 00:12:11.655

Good morning, sir. Can you see me? Good morning.

225

00:12:12.115 --> 00:12:16.135

Yes, we can see you. Thank you. Um, I'm Mrs.

226

00:12:16.535 --> 00:12:19.295

Margaret Starkey. I am here, uh,

227

00:12:19.815 --> 00:12:21.375

representing the Starkey family,

228

00:12:21.915 --> 00:12:25.455

but I am also chair of Save Honey Hill Group, although Mr.

229

00:12:26.175 --> 00:12:30.255

Ian gr uh, Gilmore, uh, Gilda, um, will be speaking for us.

230

00:12:30.785 --> 00:12:31.785

Thank you.

231

00:12:33.325 --> 00:12:37.135

Okay, thank you. Um,

232

00:12:37.355 --> 00:12:38.455

and yeah, it's Mr.

233

00:12:38.515 --> 00:12:40.455

Gilder from Save Honey Hill Group.

234

00:12:43.035 --> 00:12:45.805

Good morning, sir. Um, yes, I'm Ian Gilder.

235

00:12:45.905 --> 00:12:48.685

I'm a retired planning and environmental consultant

236

00:12:48.905 --> 00:12:51.165

and I'm representing Save Honey Hill.

237

00:12:52.215 --> 00:12:53.955

I'm happy to be called Mr. Gilder.

238

00:12:54.965 --> 00:12:57.915

Thank you. Mr. Gil. Can I just check, um,

239

00:12:58.145 --> 00:13:01.435

safe o Hill Group is not as far as I know, an affected

240

00:13:02.255 --> 00:13:04.715

person in so far as, uh,

241

00:13:04.895 --> 00:13:07.635

you have Safe o Hill Hill Group does not appear in

242

00:13:07.635 --> 00:13:08.715

the book of reference, for example.

243

00:13:09.095 --> 00:13:12.375

Um, could you just explain your sort

244

00:13:12.375 --> 00:13:14.495

of interest in this compulsory acquisition hearing?

245

00:13:15.295 --> 00:13:16.815

I, I certainly can, sir. Yes.

246

00:13:17.565 --> 00:13:21.495

Save Honey Hill as a group has, has no affected parties

247

00:13:21.635 --> 00:13:23.015

or is not an affected party.

248

00:13:23.515 --> 00:13:25.575

Um, and therefore we are not, um,

249

00:13:25.785 --> 00:13:28.055

interested in specific plots

250

00:13:28.075 --> 00:13:31.455

or aspects of those aspects of the compulsory acquisition.

251

00:13:32.035 --> 00:13:34.695

We are concerned and interested in the funding

252

00:13:34.915 --> 00:13:36.055

aspect in particular.

253

00:13:36.595 --> 00:13:39.255

Um, and really I should be here to, to talk about

254

00:13:39.255 --> 00:13:40.375

that later in the data.

255

00:13:42.635 --> 00:13:45.325

Okay, thank you for that. Um, I'm aware that the cameras

256

00:13:45.705 --> 00:13:47.885

or the camera's kind of ob obscuring our view.

257

00:13:48.005 --> 00:13:50.525

I may ask for that to be moved slightly during the break.

258

00:13:50.945 --> 00:13:54.205

Um, or yeah,

259

00:13:54.205 --> 00:13:56.845

or if you, yeah.

260

00:13:56.955 --> 00:13:57.565

Okay. Thank you.

261

00:14:01.795 --> 00:14:05.325

Okay, so finally we move on to statue and takers

262

00:14:05.345 --> 00:14:06.445

and National Highways.

263

00:14:06.495 --> 00:14:07.495

First,

264

00:14:11.085 --> 00:14:13.945

Um, hi, I am Miss Alice Lawman, uh,

265

00:14:13.945 --> 00:14:15.505

spatial planner for National Highways.

266

00:14:16.915 --> 00:14:17.345

Thank you.

267

00:14:30.995 --> 00:14:35.455

Thank you. Um, Ms. Cotton, just

268

00:14:35.555 --> 00:14:38.575

to check, you mentioned you're representing some neighbors.

269

00:14:38.785 --> 00:14:40.695

Which neighbors specifically are those?

270

00:14:41.365 --> 00:14:42.935
Owen Phillips and Gemma Bates.

271

00:14:49.425 --> 00:14:50.455
Sorry, could you just repeat that,

272

00:14:51.195 --> 00:14:54.445
Owen Phillips and Gemma Bates.

273

00:14:55.775 --> 00:14:57.645
Gemma Bates or Gemma Philip or,

274

00:14:57.745 --> 00:14:59.165
Oh, actually probably Gemma Phillips.

275

00:14:59.165 --> 00:15:00.165
Yeah, sorry. Yeah. Okay.

276

00:15:06.055 --> 00:15:06.275
Um,

277

00:15:11.975 --> 00:15:12.975
Um, okay. And

278

00:15:12.975 --> 00:15:14.395
then the conservators

279

00:15:14.395 --> 00:15:16.355
of the river camp who are virtually

280

00:15:19.375 --> 00:15:20.395
Um, good morning sir.

281

00:15:20.535 --> 00:15:22.115
Uh, my name is Mrs.

282

00:15:22.165 --> 00:15:24.955
Helen Cleary and I'm the CEO

283

00:15:25.095 --> 00:15:26.835
of the conservators of the river camp.

284

00:15:30.265 --> 00:15:31.265
Thank You.

285

00:15:32.455 --> 00:15:34.185
Good morning, sir. My name is Tracy

286

00:15:34.605 --> 00:15:37.865
and I'm the Clark for the conservatives of the River Can.

287

00:15:40.315 --> 00:15:44.545
Okay, thank you. Um,

288

00:15:44.545 --> 00:15:46.465
that's everyone I had on the list.

289

00:15:46.525 --> 00:15:49.185
Is there anybody else who wishes to speak today?

290

00:15:51.455 --> 00:15:53.515
And this doesn't preclude you from speaking later if you

291

00:15:53.515 --> 00:15:55.315
wish to respond to comments made by the parties.

292

00:15:55.815 --> 00:15:57.475
Um, firstly, is there anyone in the room?

293

00:16:00.815 --> 00:16:02.315
No. And anyone virtually?

294

00:16:09.465 --> 00:16:13.585
Uh, okay. I can't. Oh, there's Mr. Pryor.

295

00:16:14.535 --> 00:16:17.025
Yeah, good morning, sir. Mr. Andrew Pryor.

296

00:16:17.145 --> 00:16:19.065

I may, um, support some

297

00:16:19.065 --> 00:16:21.505

of the applicant's representations later, particularly on,

298

00:16:21.605 --> 00:16:24.265

uh, Bri away or permissive path issues.

299

00:16:27.685 --> 00:16:28.775

Okay. And Mr. Pryor,

300

00:16:28.775 --> 00:16:30.655

just what's your interest in the case?

301

00:16:31.795 --> 00:16:33.735

I'm representing the applicant, so I'm one of the

302

00:16:33.735 --> 00:16:34.815

A You're representing the applicant?

303

00:16:34.815 --> 00:16:36.215

Yeah. Okay, thank you.

304

00:16:43.565 --> 00:16:45.255

Okay. I would just also like to say

305

00:16:45.255 --> 00:16:47.375

that when speaking today, please bear in mind

306

00:16:47.375 --> 00:16:50.535

that we have read all submissions made so far and you

307

00:16:50.535 --> 00:16:52.775

therefore don't need to read out previous submissions.

308

00:16:53.485 --> 00:16:54.895

However, if you want to refer

309

00:16:54.895 --> 00:16:55.895

to something you have submitted

310

00:16:55.895 --> 00:16:58.415

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

311

00:16:58.645 --> 00:17:01.095

pins examination library, be reference so we can all follow

312

00:17:01.555 --> 00:17:03.255

and maybe share on the screen if need be.

313

00:17:07.855 --> 00:17:09.555

Are there any other comments anyone wishes

314

00:17:09.615 --> 00:17:10.755

to make under item one?

315

00:17:23.715 --> 00:17:24.925

Okay. No one in the room

316

00:17:25.065 --> 00:17:26.805

and I can't see any hands up virtually.

317

00:17:27.665 --> 00:17:31.835

Um, so just before we turn to item two, I just wanted

318

00:17:31.835 --> 00:17:34.515

to note that the accompanied site inspection timetable

319

00:17:34.675 --> 00:17:37.115

for yesterday had to be postponed due

320

00:17:37.115 --> 00:17:39.315

to recent heavy rainfall and flooding.

321

00:17:40.795 --> 00:17:43.095

Um, on that basis, we'll notify parties

322

00:17:43.195 --> 00:17:45.855

of a rearranged AC company site inspection in due course.

323

00:17:49.295 --> 00:17:52.555

Did anybody want to just, and any comments on that at all?

324

00:17:55.325 --> 00:17:56.895

No. Okay.

325

00:17:57.715 --> 00:17:59.975

Uh, in that case, we'll now turn to agenda item two,

326

00:18:00.145 --> 00:18:02.855

which is the applicant's case for compulsory acquisition

327

00:18:02.855 --> 00:18:03.975

and temporary possession.

328

00:18:07.445 --> 00:18:09.185

Um, I'd like to begin by asking the applicant

329

00:18:09.185 --> 00:18:10.385

to briefly present

330

00:18:10.445 --> 00:18:12.825

and justify its case for compulsory acquisition

331

00:18:12.825 --> 00:18:13.825

and temporary possession.

332

00:18:14.445 --> 00:18:16.705

In doing so, please explain

333

00:18:16.725 --> 00:18:18.905

how the proposals address the statutory

334

00:18:18.905 --> 00:18:21.505

and policy tests under the Planning Act 2008

335

00:18:22.005 --> 00:18:23.425

and the Department for Communities

336

00:18:23.425 --> 00:18:26.585

and local government published guidance entitled

337

00:18:27.465 --> 00:18:29.145
Planning Act 2008 procedures

338

00:18:29.145 --> 00:18:31.265
for the comp compulsory acquisition of land.

339

00:18:32.005 --> 00:18:34.665
Um, I'll refer to this document as A-D-C-L-G guidance

340

00:18:36.495 --> 00:18:37.955
in providing this overview.

341

00:18:38.015 --> 00:18:39.475
Please ensure that human rights

342

00:18:39.755 --> 00:18:41.155
considerations are also addressed.

343

00:18:41.695 --> 00:18:43.115
Uh, the agenda lists a number

344

00:18:43.115 --> 00:18:44.675
of bullet points under item two,

345

00:18:44.725 --> 00:18:46.875
which the applicant should hopefully address.

346

00:18:47.805 --> 00:18:48.805
Thank you.

347

00:18:51.795 --> 00:18:53.865
Thank you sir. Michelle Moss for the applicant,

348

00:18:55.065 --> 00:18:57.145
I thought I would begin, uh,

349

00:18:57.145 --> 00:19:00.665
taking the first two bullet points on the agenda together in

350

00:19:00.665 --> 00:19:03.985

terms of the identification of the powers sought

351

00:19:04.125 --> 00:19:07.705

and the relevant DC0 development consent order provisions.

352

00:19:08.525 --> 00:19:12.265

So first of all, as an overarching point, I would just like

353

00:19:12.265 --> 00:19:15.985

to stress that the applicant's land assembly strategy is

354

00:19:15.985 --> 00:19:17.945

to seek to require all necessary land

355

00:19:18.005 --> 00:19:21.945

and rights by agreement and to seek to limit

356

00:19:22.005 --> 00:19:25.225

and reduce the extent of compulsory acquisition

357

00:19:25.325 --> 00:19:27.665

and temporary possession powers required.

358

00:19:28.575 --> 00:19:33.025

However, at present, in the absence of having acquired all

359

00:19:33.025 --> 00:19:37.505

of those rights by agreement, it remains necessary to seek

360

00:19:37.565 --> 00:19:40.545

to promote the inclusion of compulsory acquisition powers.

361

00:19:42.335 --> 00:19:45.955

All of the land and rights sought, including the powers

362

00:19:45.955 --> 00:19:50.475

to temporarily land, are necessary for the construction

363

00:19:51.265 --> 00:19:53.155

operation protection

364

00:19:53.775 --> 00:19:55.995

and maintenance of the proposed development,

365

00:19:56.655 --> 00:19:58.035

and that includes land

366

00:19:58.035 --> 00:20:01.355

and rights necessary to mitigate the effects

367

00:20:01.355 --> 00:20:02.635

of the proposed development.

368

00:20:04.675 --> 00:20:07.455

The applicant has taken a proportionate approach

369

00:20:07.955 --> 00:20:11.335

to identifying the land and rights required,

370

00:20:12.155 --> 00:20:16.575

and that strategy is evident from the varying categories

371

00:20:16.635 --> 00:20:19.735

of land interventions that it seeks.

372

00:20:20.555 --> 00:20:23.615

Um, that approach is explained in, um,

373

00:20:24.165 --> 00:20:27.215

principally in section six of the statement of reasons,

374

00:20:27.865 --> 00:20:30.895

which is document rep 1 0 0 9

375

00:20:32.195 --> 00:20:34.815

and the introduction to the book of reference

376

00:20:35.475 --> 00:20:39.855

rep 3 0 0 9 further explains the

377

00:20:39.855 --> 00:20:42.615

relationship between the power sought

378

00:20:42.715 --> 00:20:47.645

and how that is reflected on the land plans rep 1 0 16.

379

00:20:49.385 --> 00:20:54.135

In summary, there is pink land shown on

380

00:20:54.195 --> 00:20:55.415

the land plans

381

00:20:56.365 --> 00:20:59.775

that is land over which compulsory equity position powers

382

00:20:59.875 --> 00:21:02.255

are sought to acquire the freehold.

383

00:21:02.355 --> 00:21:04.735

All interests in the relevant land

384

00:21:05.995 --> 00:21:10.455

that's described principally in the book of reference as

385

00:21:11.275 --> 00:21:12.575

all interests in

386

00:21:13.515 --> 00:21:17.855

and the relevant article is Article 26 of the order,

387

00:21:18.065 --> 00:21:20.735

which permits the applicant to acquire so much of

388

00:21:20.735 --> 00:21:22.415

that pink land as is required.

389

00:21:25.225 --> 00:21:28.985

I would also like to point out that the land shaded pink

390

00:21:29.615 --> 00:21:32.865

also includes land, which is restricted

391

00:21:32.925 --> 00:21:35.785
to sub-soil acquisition, uh,

392

00:21:35.785 --> 00:21:39.265
which is land at a depths greater than seven meters

393

00:21:39.265 --> 00:21:40.625
beneath the service of the land

394

00:21:41.135 --> 00:21:44.745
that is described in the Book of References acquisition

395

00:21:44.745 --> 00:21:49.625
of Subsoil and it's governed by Article 30 of the draft

396

00:21:50.145 --> 00:21:54.465
DC0, uh, and identified in schedule 11 of the DC0.

397

00:21:55.135 --> 00:22:00.065
This land is for the waste transfer tunnel, um, which, uh,

398

00:22:00.455 --> 00:22:04.185
will, will, will be underground work number 27

399

00:22:05.045 --> 00:22:08.065
and the applicant may not acquire the entirety

400

00:22:08.645 --> 00:22:09.985
of the interest in that land.

401

00:22:10.045 --> 00:22:12.145
It may not inquire the acquire the

402

00:22:12.145 --> 00:22:13.385
surface land, for example.

403

00:22:15.435 --> 00:22:20.055
It may, however, as identified in Schedule 11 to the order

404

00:22:20.965 --> 00:22:23.535

acquire new rights or restrictive covenants,

405

00:22:23.635 --> 00:22:25.335

and that is principally required

406

00:22:25.435 --> 00:22:29.015

to protect the waste transfer tunnel with the ac,

407

00:22:29.115 --> 00:22:31.895

the imposition of a restrictive covenant, uh,

408

00:22:32.035 --> 00:22:33.655

for those express purposes.

409

00:22:36.655 --> 00:22:40.875

Moving on to the other types of acquisition in the order,

410

00:22:41.815 --> 00:22:45.075

the landowner for which only new rights

411

00:22:45.535 --> 00:22:48.915

or the imposition of restrictive covenants may be acquired

412

00:22:50.155 --> 00:22:53.015

is shown blue on the land plans.

413

00:22:54.165 --> 00:22:59.135

This is governed by Article 28 of the draft order, um,

414

00:22:59.155 --> 00:23:03.655

and it's identified expressly in Schedule 10 to the DC0.

415

00:23:04.555 --> 00:23:09.375

The applicant is not permitted to acquire all interest in in

416

00:23:09.375 --> 00:23:14.015

that land the applicant has in

417

00:23:14.375 --> 00:23:19.295

Schedule 10 to the order, set out a number of rights

418
00:23:19.355 --> 00:23:21.495
or restrictive covenant packages

419
00:23:22.075 --> 00:23:25.375
and given them names which have a relationship

420
00:23:25.515 --> 00:23:28.815
to the works proposed for ease of identification.

421
00:23:29.995 --> 00:23:32.845
Um, more than one package

422
00:23:32.905 --> 00:23:35.005
of rights may be applied to one parcel.

423
00:23:35.225 --> 00:23:38.325
So for example, if a parcel of land is affected by both

424
00:23:39.025 --> 00:23:40.645
the Water Beach Pipeline

425
00:23:41.305 --> 00:23:44.565
and the Waste Transfer tunnel, there will be a number

426
00:23:44.565 --> 00:23:46.765
of different packages of rights relevant

427
00:23:46.785 --> 00:23:48.765
and sort in relation to that infrastructure.

428
00:23:51.605 --> 00:23:56.505
The land shaded Brown on the land plans is also a new rights

429
00:23:57.175 --> 00:24:00.985
type of acquisition, but it is for access rights only.

430
00:24:02.315 --> 00:24:04.495
Uh, there it's not the ability

431
00:24:04.755 --> 00:24:07.615

to acquire restrictive covenants over that land

432

00:24:08.075 --> 00:24:10.295

and the applicant has distinguished that land

433

00:24:10.295 --> 00:24:14.935

as a different color to demonstrate that it is a lesser type

434

00:24:14.935 --> 00:24:17.415

of interference and acquisition which is being sought.

435

00:24:21.325 --> 00:24:24.575

Finally, there's green land, uh,

436

00:24:24.655 --> 00:24:27.095

which is the land over which only

437

00:24:27.735 --> 00:24:31.615

temporary possession powers may be sought in order

438

00:24:31.675 --> 00:24:34.335

to construct the, the proposed development.

439

00:24:35.525 --> 00:24:38.695

That land is identified in Schedule 12 to the DC0

440

00:24:38.715 --> 00:24:42.495

and is governed by Article 35 1

441

00:24:43.075 --> 00:24:44.215

of the order,

442

00:24:45.195 --> 00:24:47.495

and there are express purposes

443

00:24:47.555 --> 00:24:49.215

for which temporary possession may be taken,

444

00:24:49.785 --> 00:24:52.375

which is described in column three of Schedule 12.

445

00:24:55.045 --> 00:24:58.095

What the applicant also has in the order,

446

00:24:58.095 --> 00:25:02.095

which is a very common provision, is

447

00:25:02.755 --> 00:25:05.775

the ability to take temporary possession of any

448

00:25:05.795 --> 00:25:09.135

of the remainder of the land in the order land.

449

00:25:09.155 --> 00:25:12.215

So the land colored pink, blue,

450

00:25:12.395 --> 00:25:15.295

or brown, not just the Greenland,

451

00:25:15.755 --> 00:25:20.255

and that is contained in Article 35 1

452

00:25:20.695 --> 00:25:23.775

a subsection two trips off your tongue.

453

00:25:24.435 --> 00:25:27.775

And that enables the acquiring the applicant to

454

00:25:28.605 --> 00:25:30.695

take a proportionate approach as to

455

00:25:30.695 --> 00:25:34.775

how it exercises the powers in the order by taking

456

00:25:35.455 --> 00:25:36.815

temporary possession of, for example,

457

00:25:36.835 --> 00:25:39.775

of a working corridor first, which will be wider

458

00:25:40.365 --> 00:25:42.295

than the final land requirements,

459

00:25:42.955 --> 00:25:43.975

and then only seeking

460

00:25:43.995 --> 00:25:47.855

to impose the permanent rights over a lesser, uh, area

461

00:25:48.395 --> 00:25:49.855

to seek to reduce the impacts.

462

00:25:52.505 --> 00:25:55.405

The land plans also have yellow land, um,

463

00:25:55.855 --> 00:25:59.485

which is not subject to powers

464

00:25:59.505 --> 00:26:02.645

to compulsorily acquire either the land

465

00:26:02.865 --> 00:26:04.965

or any new rights in the land.

466

00:26:05.835 --> 00:26:09.525

This land is only potentially subject

467

00:26:09.585 --> 00:26:12.965

to the powers in the order in Article 31

468

00:26:12.965 --> 00:26:16.765

or 32, which concern interference

469

00:26:17.235 --> 00:26:19.005

with private rights.

470

00:26:19.625 --> 00:26:23.685

The majority of our yellow land in the order relates to

471

00:26:24.245 --> 00:26:28.125

highways for which compulsory acquisition powers are not

472

00:26:28.315 --> 00:26:31.485

expressly sought, and instead the applicant is

473

00:26:32.155 --> 00:26:36.205

relying on the highways provisions in the order in order

474

00:26:36.265 --> 00:26:40.085

to do necessary works to adopted highways.

475

00:26:44.175 --> 00:26:45.925

Sorry, before you, before you move on,

476

00:26:45.925 --> 00:26:50.365

was there a schedule associated with the brown land?

477

00:26:51.185 --> 00:26:55.445

The, the brown land is also contained in the Schedule 10

478

00:26:56.065 --> 00:26:59.965

to, to the order, uh, in conjunction

479

00:27:00.035 --> 00:27:01.605

with the, the blue land.

480

00:27:01.715 --> 00:27:04.365

It's not been delineated separately,

481

00:27:04.755 --> 00:27:07.685

it's only been a visual, uh, representation

482

00:27:07.945 --> 00:27:09.045

and a difference on the plan.

483

00:27:13.185 --> 00:27:17.145

I I would also especially draw attention to Article 41.

484

00:27:17.145 --> 00:27:18.305

Given we have a number

485

00:27:18.305 --> 00:27:21.585

of representatives from statutory undertakers, uh,

486

00:27:21.845 --> 00:27:25.305

and Article 41 requires that any acquisition

487

00:27:25.645 --> 00:27:26.905

or extinguishment

488

00:27:26.925 --> 00:27:29.105

or interference with any rights belonging

489

00:27:29.105 --> 00:27:31.425

to a statutory undertaker is subject

490

00:27:31.445 --> 00:27:34.545

to the protected provisions powers in Schedule 15

491

00:27:34.685 --> 00:27:36.945

to the draft order, which many

492

00:27:36.945 --> 00:27:38.825

of which are under negotiations, some

493

00:27:38.905 --> 00:27:40.545

of which are, are agreed.

494

00:27:45.405 --> 00:27:50.395

Moving on to the test for compulsory requisition, um,

495

00:27:51.645 --> 00:27:53.955

these are contained in section 1, 2 2

496

00:27:54.135 --> 00:27:54.355

and

497

00:27:56.245 --> 00:27:59.925

oh, I'll try it again.

498

00:28:00.045 --> 00:28:03.365

Hopefully no feedback this time in section 1 2 2

499

00:28:03.365 --> 00:28:06.845
and 1 2 3 of the planning Act 2008,

500

00:28:07.425 --> 00:28:11.005
and they require the land in the order over which powers us

501

00:28:11.065 --> 00:28:13.805
or to be required for the development

502

00:28:14.825 --> 00:28:16.325
or required to facilitate

503

00:28:16.345 --> 00:28:18.205
or be incidental to the development.

504

00:28:18.375 --> 00:28:21.685
There are also provisions regarding replacement land,

505

00:28:21.705 --> 00:28:24.445
but that does not, that does not feature in the,

506

00:28:24.545 --> 00:28:28.765
in the application there must also be a compelling case in

507

00:28:28.765 --> 00:28:30.685
the public interest for the land to be acquired.

508

00:28:30.755 --> 00:28:35.405
compuls, the applicant confirms that all of the land,

509

00:28:35.575 --> 00:28:38.445
which is subject to the powers of compulsory acquisition

510

00:28:38.545 --> 00:28:42.285
and temporary possession in the order is required for,

511

00:28:42.705 --> 00:28:44.245
or is required to facilitate

512

00:28:44.305 --> 00:28:47.165

or is incidental to the proposed development.

513

00:28:48.795 --> 00:28:50.605

There's a detailed plot

514

00:28:50.665 --> 00:28:53.565

by plot description in appendix three to the statement

515

00:28:53.565 --> 00:28:57.245

of reasons, which goes through precisely the type

516

00:28:57.245 --> 00:29:00.285

of acquisition and the primary works, uh,

517

00:29:00.585 --> 00:29:02.885

for which the rights are sought.

518

00:29:03.285 --> 00:29:04.405

I will not turn that up

519

00:29:04.405 --> 00:29:08.265

unless the examining authority would like me to, um,

520

00:29:09.045 --> 00:29:10.745

as standard practice the applicant.

521

00:29:10.965 --> 00:29:15.745

The application does seek flexibility in the land

522

00:29:15.745 --> 00:29:18.425

to be acquired through the assessment of parameters

523

00:29:18.425 --> 00:29:20.425

and the adoption of limits of deviation.

524

00:29:20.975 --> 00:29:25.065

Therefore, it's not the case that every single

525

00:29:26.215 --> 00:29:29.065

area of land that may be shown pink or blue

526

00:29:29.085 --> 00:29:31.785

or the color on the plan may ultimately be acquired.

527

00:29:31.785 --> 00:29:36.305

The powers are to acquire so much of that as may ultimately

528

00:29:36.325 --> 00:29:40.865

Be required And that is ensures

529

00:29:40.865 --> 00:29:43.525

that the proposed development can be delivered.

530

00:29:47.275 --> 00:29:48.835

Proportionality is a key aspect

531

00:29:49.255 --> 00:29:51.555

of the compulsory acquisition tests

532

00:29:52.655 --> 00:29:54.715

and the proportionality of the interference

533

00:29:54.895 --> 00:29:57.675

by the applicant is insured by the approach

534

00:29:57.695 --> 00:30:00.475

that's been taken to the power sought seeking

535

00:30:00.495 --> 00:30:04.835

to minimize the extent of freehold acquisition, uh, to

536

00:30:04.835 --> 00:30:07.715

where the applicant requires exclusive control

537

00:30:07.775 --> 00:30:08.995

and possession of the land

538

00:30:11.255 --> 00:30:15.195

and also the applicant's in the way in which it proposes

539

00:30:15.195 --> 00:30:19.355

to use the temporary possession powers is an important means

540

00:30:19.355 --> 00:30:21.075

of ensuring proportionality.

541

00:30:24.935 --> 00:30:29.315

The statement of reasons sets out in detail, um,

542

00:30:29.615 --> 00:30:32.875

the applicant's case, um, as for the AC

543

00:30:32.935 --> 00:30:35.515

for the compulsory acquisition of the land in accordance

544

00:30:35.545 --> 00:30:40.465

with the DCLG guidance as a,

545

00:30:40.485 --> 00:30:42.105

as a high level summary

546

00:30:44.495 --> 00:30:45.995

or reasonable alternatives

547

00:30:45.995 --> 00:30:48.435

to compulsory acquisition have been explored

548

00:30:48.985 --> 00:30:50.795

paragraph eight of that guidance.

549

00:30:51.695 --> 00:30:54.835

The detail of that set out in the site selection reports,

550

00:30:55.935 --> 00:30:59.995

uh, as 0 7 5 to AS 0 7 8.

551

00:31:02.225 --> 00:31:05.285

The proposed interference with private rights is

552

00:31:05.285 --> 00:31:06.565

for a legitimate purpose.

553

00:31:08.055 --> 00:31:11.225

It's subject to the section 35 direction

554

00:31:12.595 --> 00:31:15.415

and it accords with relevant local

555

00:31:15.475 --> 00:31:18.415

and national policy as the planning ex planning statement

556

00:31:18.455 --> 00:31:21.935

explains REP 1 49.

557

00:31:23.695 --> 00:31:26.555

The applicant has a clear idea of how it intends

558

00:31:26.555 --> 00:31:29.555

to use the land as required by paragraph nine

559

00:31:30.015 --> 00:31:31.675

of the DCLG guidance.

560

00:31:35.035 --> 00:31:38.995

Critically section two of the planning statement

561

00:31:39.755 --> 00:31:42.635

provides details of the need for the proposed development

562

00:31:42.655 --> 00:31:45.875

and of the overwhelming public benefits

563

00:31:46.665 --> 00:31:50.315

that will be generated both by the enabling

564

00:31:50.535 --> 00:31:53.795

of the Northeast Cambridge development, the delivery

565

00:31:54.095 --> 00:31:55.555

of the proposed development,

566

00:31:56.025 --> 00:31:58.875

including the additional capacity that will be

567

00:31:59.355 --> 00:32:00.795

provided to meet the needs of

568

00:32:01.335 --> 00:32:02.755

new development at Water Beach.

569

00:32:04.485 --> 00:32:07.875

Those public benefits go towards the requirements

570

00:32:07.875 --> 00:32:12.555

and tests in paragraphs 13 to 14 of the DCLG guidance

571

00:32:13.945 --> 00:32:16.475

regarding the compelling case in the public interest test.

572

00:32:19.185 --> 00:32:23.995

Section seven of the statement of reasons explains

573

00:32:24.055 --> 00:32:26.555

how article one of the first protocol

574

00:32:26.655 --> 00:32:30.795

to the European Convention on Human Rights and Article six

575

00:32:30.855 --> 00:32:33.235

and eight of the convention have been considered.

576

00:32:35.755 --> 00:32:38.525

This explains how the public benefits

577

00:32:38.525 --> 00:32:42.445

and outputs which the proposed development will realize

578

00:32:43.395 --> 00:32:47.565

will outweigh private loss to be suffered by the acquisition

579

00:32:47.825 --> 00:32:51.325

of land and rights from affected persons.

580

00:32:52.355 --> 00:32:56.685

That is a requirement of paragraph 13 of the CLG guidance.

581

00:32:59.875 --> 00:33:04.755

The funding statement as 0 1 3

582

00:33:06.105 --> 00:33:08.905

provides an explanation as to how the construction

583

00:33:08.925 --> 00:33:10.985

of the proposed development will be funded

584

00:33:12.125 --> 00:33:15.625

and also importantly how the compensation

585

00:33:16.325 --> 00:33:18.425

for the acquisition of land and rights

586

00:33:18.625 --> 00:33:20.985

and temporary possession will be funded.

587

00:33:22.015 --> 00:33:25.945

This is required and meets the tests in paragraph 17

588

00:33:26.085 --> 00:33:28.865

and 18 of the DCLG guidance.

589

00:33:30.335 --> 00:33:34.585

Significant further detail in this respect on the funding

590

00:33:35.125 --> 00:33:37.425

for the proposed development was also

591

00:33:37.945 --> 00:33:39.225

provided by the applicant

592

00:33:39.325 --> 00:33:43.225

and Holmes England during issue specific hearing two.

593

00:33:43.805 --> 00:33:45.665

And in the post-hearing submissions

594

00:33:45.805 --> 00:33:48.625
and material submitted at Deadline one,

595

00:33:51.145 --> 00:33:53.635
it's also necessary to consider whether there are any known

596

00:33:54.005 --> 00:33:56.515
known impediments to the delivery

597

00:33:56.695 --> 00:34:00.835
of the proposed development as required by paragraph 19

598

00:34:01.135 --> 00:34:02.715
of the DCLG guidance.

599

00:34:03.935 --> 00:34:08.085
In this respect, the applicant is in a very strong position,

600

00:34:09.345 --> 00:34:12.985
a HF agreement for funding and to govern the delivery

601

00:34:12.985 --> 00:34:14.665
and relocation is in place.

602

00:34:15.485 --> 00:34:20.345
Rep 1 1 2 1 the significant public

603

00:34:20.485 --> 00:34:23.425
sector funding and support.

604

00:34:25.905 --> 00:34:28.635
There's also a master development agreement in place

605

00:34:28.935 --> 00:34:31.715
for the onward development which will be enabled

606

00:34:32.055 --> 00:34:33.395
by the proposed development

607

00:34:35.035 --> 00:34:38.675

and that's, whilst this is not a precondition

608

00:34:38.675 --> 00:34:41.395

to the applicant receiving funding under the HIF agreement,

609

00:34:42.225 --> 00:34:44.075

it's clear evidence of the momentum

610

00:34:44.535 --> 00:34:46.235

behind the proposed development

611

00:34:47.055 --> 00:34:48.795

and of the likelihood of its delivery

612

00:34:51.945 --> 00:34:53.515

with regard to negotiations

613

00:34:53.515 --> 00:34:55.555

and meaningful attempts to acquire by agreement,

614

00:34:56.735 --> 00:35:00.115

the applicant has appointed SAVIS as experts

615

00:35:00.215 --> 00:35:02.115

to provide advice in that regard

616

00:35:02.655 --> 00:35:06.115

and it will continue to negotiate in parallel

617

00:35:06.385 --> 00:35:08.155

with the examination of the order.

618

00:35:08.855 --> 00:35:12.915

Um, so I I note that there's an agenda item later

619

00:35:12.945 --> 00:35:15.915

with regards to progress with negotiations.

620

00:35:16.575 --> 00:35:20.515

Um, if you would prefer we can pick that up then

621

00:35:20.515 --> 00:35:23.995

and I will ask SAVIS to to look at the detail,

622

00:35:31.315 --> 00:35:33.535

but what I would say is that it's a very positive

623

00:35:34.335 --> 00:35:37.285

position overall with regards to the progress

624

00:35:37.435 --> 00:35:40.565

that the applicant has made in negotiations

625

00:35:41.345 --> 00:35:44.285

and with the exception of a very small number of parties,

626

00:35:44.665 --> 00:35:47.485

the applicant remains confident it will continue

627

00:35:47.505 --> 00:35:50.925

to make progress and secure land and rights by agreement.

628

00:35:55.795 --> 00:35:58.365

Finally, with regards to statutory undertakers,

629

00:35:59.085 --> 00:36:01.085

I recognize there will be a,

630

00:36:01.185 --> 00:36:02.925

an agenda item on this later on,

631

00:36:03.585 --> 00:36:06.805

but good progress is being made in the negotiation

632

00:36:06.805 --> 00:36:08.925

of protected provisions, land agreements

633

00:36:08.925 --> 00:36:11.805

and side agreements, and the applicant remains confident

634

00:36:12.275 --> 00:36:15.485

that agreements can be reached with those parties

635

00:36:17.035 --> 00:36:19.965

overall, the applicant considers considers

636

00:36:19.965 --> 00:36:22.405

that there is a compelling case in the public interest

637

00:36:22.985 --> 00:36:25.445

for the inclusion of powers of compulsory acquisition

638

00:36:25.445 --> 00:36:29.405

and temporary possession and that the tests in section 1 2 2

639

00:36:29.405 --> 00:36:34.135

and 1 2 3 have been met Without compulsory acquisition

640

00:36:34.135 --> 00:36:36.095

and temporary possession powers,

641

00:36:36.995 --> 00:36:39.175

the order land could not be assembled in full,

642

00:36:39.235 --> 00:36:42.295

in a reasonable timescale to enable the proposed development

643

00:36:42.515 --> 00:36:44.135

and its benefits to proceed.

644

00:36:48.195 --> 00:36:52.105

Thank you for that. Um, we've already asked a number

645

00:36:52.105 --> 00:36:53.945

of written questions on the applicant's case

646

00:36:53.965 --> 00:36:56.625

for compulsory acquisition and temporary possession

647

00:36:57.365 --> 00:36:59.665

and I do not intend to repeat these here.

648

00:37:00.445 --> 00:37:01.985

Um, however, the annex to the agenda

649

00:37:02.565 --> 00:37:05.305

did include some matters that we, um, wish to address.

650

00:37:08.305 --> 00:37:12.125

Uh, the first bullet point, so DCO,

651

00:37:12.905 --> 00:37:15.885

the draft development consent order article 31 4

652

00:37:15.885 --> 00:37:17.365

relates to private rights.

653

00:37:19.025 --> 00:37:21.205

Um, so there are other articles where

654

00:37:22.975 --> 00:37:27.645

provisions been made for powers to be subject to insofar

655

00:37:27.645 --> 00:37:30.445

as their continuance will be inconsistent with the purposes

656

00:37:30.445 --> 00:37:32.845

for which temporary possession is taken.

657

00:37:33.285 --> 00:37:35.765

I was wondering if that should also be the case

658

00:37:35.765 --> 00:37:37.285

for Article 31 4.

659

00:37:39.385 --> 00:37:42.775

Thank you sir. Michelle Moss for the applicant, um,

660

00:37:43.115 --> 00:37:45.135

the applicant does not consider this

661

00:37:45.135 --> 00:37:49.535

to be an appropriate amendment to mate to Article 31 4.

662

00:37:51.555 --> 00:37:54.535

The the reason being when the applicant is in lawful

663

00:37:54.535 --> 00:37:57.015

possession under temporary possession powers,

664

00:37:58.075 --> 00:38:00.055

it requires exclusive possession.

665

00:38:00.435 --> 00:38:04.095

We are principally dealing with construction compounds

666

00:38:04.095 --> 00:38:05.095

that have health

667

00:38:05.115 --> 00:38:09.095

and safety issues that will need the, uh, control

668

00:38:09.095 --> 00:38:10.495

of the relevant contractor

669

00:38:10.755 --> 00:38:15.095

and subject to appropriate method statements and risk.

670

00:38:16.305 --> 00:38:20.055

There is a mechanism in Article 34

671

00:38:20.995 --> 00:38:23.975

for the applicant when exercising

672

00:38:24.575 --> 00:38:27.135

temporary PE possession powers to direct

673

00:38:27.245 --> 00:38:31.575

that certain rights can continue to be exercised in comment.

674

00:38:35.545 --> 00:38:38.575

Sorry, where, where is that in the article please?

675

00:38:55.825 --> 00:38:58.415

Thank you, sir. Michelle Moss for the applicant applicant

676

00:38:59.325 --> 00:39:04.255

article 31 7 subsection seven provides

677

00:39:04.255 --> 00:39:07.655

that the proceeding paragraphs have effect subject

678

00:39:07.655 --> 00:39:08.895

to any notice

679

00:39:09.035 --> 00:39:11.415

or direction given by the undertaker

680

00:39:12.365 --> 00:39:15.815

that their entry onto the land temporary possession does not

681

00:39:15.865 --> 00:39:18.495

apply to all of the landlord all

682

00:39:18.495 --> 00:39:19.775

of the rights specified in the notice.

683

00:39:20.355 --> 00:39:24.265

So for example, so if, if a right of access

684

00:39:24.795 --> 00:39:28.665

could continue to be safely exercised in conjunction

685

00:39:28.815 --> 00:39:30.345

with the temporary possession powers

686

00:39:30.975 --> 00:39:34.145

that can be expressly considered on a case by case basis,

687

00:39:34.885 --> 00:39:37.985

having regard to the necessary factors, uh,

688

00:39:37.985 --> 00:39:40.305

particularly health and safety at the time,

689

00:39:40.765 --> 00:39:42.785

and the applicant can expressly direct it

690

00:39:43.965 --> 00:39:48.245

a significant concern, were there to be a provision

691

00:39:48.265 --> 00:39:52.845

of the nature that such rights would only be unenforceable

692

00:39:53.555 --> 00:39:58.285

Insofar as they are inconsistent is that that creates,

693

00:39:59.385 --> 00:40:02.885

uh, doubt that creates the prospect of

694

00:40:03.845 --> 00:40:07.005

disputes and the risk of persons seeking to

695

00:40:08.165 --> 00:40:11.125

exercise rights when it's really wholly inappropriate and

696

00:40:11.125 --> 00:40:12.325

and unsafe to do so.

697

00:40:13.545 --> 00:40:17.055

We submit therefore it's, it's certainly more appropriate

698

00:40:17.115 --> 00:40:20.415

for there to be positive steps taken by the applicant

699

00:40:20.415 --> 00:40:23.015

to identify what's appropriate in individual cases

700

00:40:23.955 --> 00:40:27.575

and the SIR is consistent with, with many other orders.

701

00:40:28.075 --> 00:40:31.335

Um, some of the recent ones being the

702

00:40:32.055 --> 00:40:35.575

A 3 0 3 development consent order 2023

703

00:40:36.075 --> 00:40:39.495

and the Manston Airport Development consent order in 2022.

704

00:40:39.565 --> 00:40:43.135

They both contained the, the model form of article,

705

00:40:43.135 --> 00:40:45.695

which does not have the additional wording in

706

00:40:45.695 --> 00:40:47.855

that's referred to in the question.

707

00:40:50.515 --> 00:40:52.765

Okay. So some of the, the articles with regard

708

00:40:52.765 --> 00:40:55.645

to rights does contain that.

709

00:40:56.145 --> 00:40:58.365

So how, how is it, how is that different?

710

00:40:59.705 --> 00:41:03.365

So Michelle Moss for the applicant Yes, that

711

00:41:03.365 --> 00:41:05.485

that is right, but that, that is in the context

712

00:41:05.615 --> 00:41:08.725

where you are compulsorily acquiring

713

00:41:08.745 --> 00:41:11.365

and having a permanent potentially permanent effect.

714

00:41:12.025 --> 00:41:14.765

Um, the same direction may apply,

715

00:41:15.465 --> 00:41:20.115

but in regulation to new the acquisition of new rights,

716

00:41:20.485 --> 00:41:24.115

which is where you have that, are they inconsistent?

717

00:41:24.905 --> 00:41:26.555

That very much is in a scenario

718

00:41:26.685 --> 00:41:30.115

where the applicant does not necessarily have exclusive

719

00:41:30.115 --> 00:41:32.795

possession of the land because the ownership remains

720

00:41:32.795 --> 00:41:33.920

with the landowner.

721

00:41:34.585 --> 00:41:37.125

The applicant has a right akin to an easement

722

00:41:37.585 --> 00:41:42.165

and so there will always be coexistence of rights, uh,

723

00:41:42.315 --> 00:41:44.205

both the original landowners,

724

00:41:44.205 --> 00:41:46.045

anybody else's and the applicants.

725

00:41:46.745 --> 00:41:48.845

That's quite a different position

726

00:41:49.505 --> 00:41:51.125

to temporary possession.

727

00:41:52.215 --> 00:41:55.485

Think thinking for example, of a construction compound

728

00:41:55.485 --> 00:41:58.965

that's fenced and where, um, it's very difficult

729

00:41:59.705 --> 00:42:02.965

to see a scenario where somebody could legitimately continue

730

00:42:02.965 --> 00:42:04.725

to exercise rights in an unsafe manner.

731

00:42:05.595 --> 00:42:09.005

Okay, thank you. Um, so just staying on

732

00:42:09.675 --> 00:42:13.645

private rights for a minute, um, there are articles

733

00:42:13.645 --> 00:42:17.365

and schedules in the DCO as you mentioned, uh,

734

00:42:17.365 --> 00:42:20.045

listing Blue Land, which are rights Brown,

735

00:42:20.045 --> 00:42:21.285

which is access rights

736

00:42:22.025 --> 00:42:24.885

and green, which is temporary possession plots,

737

00:42:24.885 --> 00:42:27.365

which would limit the powers

738

00:42:27.365 --> 00:42:29.925

of compulsory acquisition under Article 26.

739

00:42:31.705 --> 00:42:36.205

Um, could you explain without a schedule how the powers

740

00:42:36.205 --> 00:42:38.525

of compulsory acquisition over the yellow plots,

741

00:42:39.215 --> 00:42:41.325

which is interference with private rights

742

00:42:42.235 --> 00:42:44.805

only would be restricted through the DC0?

743

00:42:45.665 --> 00:42:50.405

So Article 26 provides the compulsory acquisition of

744

00:42:51.445 --> 00:42:56.115

all the land subject to the schedules for rights

745

00:42:56.735 --> 00:43:00.315

access and temporary possession.

746

00:43:01.015 --> 00:43:02.395

So that leaves the yellow land,

747

00:43:02.405 --> 00:43:04.195

which doesn't have a schedule.

748

00:43:06.035 --> 00:43:09.935

How would compulsory acquisition of those plots be

749

00:43:12.055 --> 00:43:15.135

restricted without a separate schedule as it is for the

750

00:43:16.105 --> 00:43:17.415

other colored plots?

751

00:43:20.205 --> 00:43:23.075

Thank you sir. Michelle Moss for the applicant, the

752

00:43:23.745 --> 00:43:28.715

land plans expressly identify the

753

00:43:28.715 --> 00:43:31.035

land which may be subject to

754

00:43:31.605 --> 00:43:34.235

those private rights articles in Article 30

755

00:43:34.575 --> 00:43:39.145

and 31 that is in relation

756

00:43:39.205 --> 00:43:40.345
to all of the land,

757

00:43:40.345 --> 00:43:42.185
but it also expressly identifies

758

00:43:42.185 --> 00:43:43.945
that the yellow land is in relation

759

00:43:43.945 --> 00:43:47.025
to those interference powers only.

760

00:43:47.555 --> 00:43:50.625
There are no powers of compulsory acquisition sought

761

00:43:51.185 --> 00:43:53.625
anywhere over that yellow land,

762

00:43:53.765 --> 00:43:57.185
and that's also made clear, sir, in the descriptor

763

00:43:57.185 --> 00:44:00.305
of the type of acquisition in the book of reference

764

00:44:00.305 --> 00:44:01.625
for the relevant parcels.

765

00:44:03.845 --> 00:44:08.115
Okay, but Article 26 says

766

00:44:08.115 --> 00:44:10.755
that the undertaken may acquire so much of the old land

767

00:44:10.775 --> 00:44:15.135
as is required, but is subject to

768

00:44:15.925 --> 00:44:20.295
article 27, 28, 29, 30, 35, which is,

769

00:44:20.905 --> 00:44:23.375

which relates to the other colored plots,

770

00:44:23.375 --> 00:44:27.625

but there's no mention of any article which, which relates

771

00:44:27.645 --> 00:44:28.665

to only the

772

00:44:29.685 --> 00:44:34.485

rights, the private rights.

773

00:44:34.625 --> 00:44:38.155

So I'm wondering whether that leaves open

774

00:44:39.105 --> 00:44:40.515

potentially powers

775

00:44:40.515 --> 00:44:42.915

of compulsory acquisition over those plots

776

00:44:43.855 --> 00:44:46.955

if they're not specifically listed in a schedule in the DC0.

777

00:44:55.945 --> 00:44:59.765

So Michelle Moss for the applicant, um, this comes back

778

00:44:59.765 --> 00:45:04.045

to the definition of order land in the, in, uh,

779

00:45:04.225 --> 00:45:06.365

in the draft DC0, which means the land

780

00:45:07.315 --> 00:45:10.825

which is within the order limits and shown on the land plans

781

00:45:10.885 --> 00:45:14.985

and described in the book of reference, those descriptions

782

00:45:14.985 --> 00:45:18.145

of order land are follow through

783

00:45:18.205 --> 00:45:20.145

to the descriptions in the book of reference

784

00:45:20.285 --> 00:45:22.865

and the land plans which identify that it, those,

785

00:45:23.125 --> 00:45:26.465

the yellow land is for interference with private rights only

786

00:45:27.095 --> 00:45:28.505

it's expressly clear that the,

787

00:45:28.525 --> 00:45:32.425

the applicant does not have any power to.

788

00:45:33.255 --> 00:45:36.105

It's not pink land, it's not blue land, it's not brown land.

789

00:45:36.105 --> 00:45:37.625

It has no power to do anything

790

00:45:37.775 --> 00:45:42.065

because it's not part of the land shown on the land plans

791

00:45:42.065 --> 00:45:43.985

that's proposed to be acquired in that way.

792

00:45:45.095 --> 00:45:47.705

Okay, but does that carry through into the DCO

793

00:45:48.175 --> 00:45:49.175

Into the DC?

794

00:45:49.485 --> 00:45:53.385

It would be, I I, so I haven't seen a situation

795

00:45:53.385 --> 00:45:57.905

where there's an express schedule for articles 31 and 32

796

00:45:57.905 --> 00:45:59.385
or the equivalent because this,

797

00:46:00.055 --> 00:46:02.825
that is a power which could apply to any order land.

798

00:46:03.925 --> 00:46:05.945
Um, uh, and

799

00:46:06.015 --> 00:46:10.455
therefore you would not have the ability

800

00:46:10.595 --> 00:46:15.135
for an express link between Article 26 for an example, um,

801

00:46:16.075 --> 00:46:17.415
to, to, its

802

00:46:19.815 --> 00:46:21.255
I suppose similarly I've not seen

803

00:46:21.255 --> 00:46:23.575
before five different colors of land.

804

00:46:23.685 --> 00:46:26.715
Yeah, it's normally three and that's all kind of,

805

00:46:27.265 --> 00:46:30.995
it's all tied up in the rights land,

806

00:46:30.995 --> 00:46:33.715
whereas this has been split out into five colors.

807

00:46:33.975 --> 00:46:38.715
So therefore, without addressing the yellow land in the

808

00:46:38.755 --> 00:46:42.915
DC0, I'm wondering whether that opens it up to like where,

809

00:46:42.915 --> 00:46:45.555

where is it restricted that you couldn't compulsory acquire

810

00:46:45.555 --> 00:46:47.435
that land if it's not specifically

811

00:46:48.015 --> 00:46:50.235
listed in the schedule within the DC0?

812

00:46:51.775 --> 00:46:56.115
So Michelle Moss for the applicant, we will take that away

813

00:46:56.135 --> 00:46:57.155
to have a look at it.

814

00:46:57.795 --> 00:47:00.075
I think it, it is the combination of the definitions,

815

00:47:01.175 --> 00:47:03.475
the land plans and,

816

00:47:05.715 --> 00:47:09.215
and the book of reference, the description of

817

00:47:09.215 --> 00:47:11.815
what is proposed to be acquired in the book of reference,

818

00:47:11.815 --> 00:47:15.415
which in itself expressly limits that yellow,

819

00:47:15.525 --> 00:47:19.375
that those yellow land parcels to interference powers only.

820

00:47:20.715 --> 00:47:22.215
We will take away

821

00:47:22.215 --> 00:47:24.535
and have a look as to whether

822

00:47:26.725 --> 00:47:29.405
it is necessary for there to be any, anything further.

823

00:47:29.665 --> 00:47:34.605

But, but fundamentally those are the mechanisms which do not

824

00:47:34.945 --> 00:47:38.725

create any additional power for yellow land beyond

825

00:47:38.725 --> 00:47:40.765

what has been described in the book of reference

826

00:47:40.785 --> 00:47:43.125

as interference with rights only.

827

00:47:44.595 --> 00:47:45.605

Okay, thank you. If you could

828

00:47:45.875 --> 00:47:47.125

take that away and have a look at it.

829

00:47:47.125 --> 00:47:48.565

Thank you. Um,

830

00:47:48.585 --> 00:47:52.205

and I suppose on the same subject, for example,

831

00:47:53.145 --> 00:47:56.815

looking at say plot oh 48,

832

00:47:58.655 --> 00:48:01.855

how would private rights be interfered with,

833

00:48:20.305 --> 00:48:21.925

So Michelle Moss for the applicant,

834

00:48:23.595 --> 00:48:27.925

that particular parcel 0 48 is,

835

00:48:28.185 --> 00:48:32.045

is adopted highway the applicant proposes to

836

00:48:34.475 --> 00:48:38.385

drive down its access it in the normal ordinary functions

837

00:48:38.485 --> 00:48:39.825

as an adopted highway.

838

00:48:40.965 --> 00:48:42.185

It is possible

839

00:48:42.535 --> 00:48:46.385

that persons may still have their own private rights

840

00:48:47.245 --> 00:48:49.705

in relation to land that is adopted highway.

841

00:48:50.565 --> 00:48:54.425

Um, which, uh, depending on what they could be there,

842

00:48:54.435 --> 00:48:58.785

there may be some interference during the applicant's use of

843

00:48:58.785 --> 00:48:59.865

that road.

844

00:49:00.845 --> 00:49:05.265

For example, For example, somebody may have a right of

845

00:49:06.765 --> 00:49:11.025

um, uh, may have a private right

846

00:49:11.205 --> 00:49:13.265

of way on foot only,

847

00:49:13.555 --> 00:49:15.905

which technically in principle was somebody

848

00:49:15.905 --> 00:49:17.225

to be driving down it.

849

00:49:17.485 --> 00:49:21.865

You need lawful authority to be doing that, which allows you

850

00:49:21.885 --> 00:49:24.545

to interfere with their right if you are driving down it.

851

00:49:29.015 --> 00:49:32.315

So 0 oh 48 A is part of the road

852

00:49:33.295 --> 00:49:36.845

and it's owned the owner is the,

853

00:49:37.125 --> 00:49:38.805

I think it's the Starkey family.

854

00:49:39.785 --> 00:49:41.605

How might some of their private rights

855

00:49:43.215 --> 00:49:44.675

be affected if that's the case?

856

00:49:44.695 --> 00:49:47.115

Do you mean you you may need to block the road off

857

00:49:47.175 --> 00:49:49.395

or So they couldn't get access through it?

858

00:50:01.055 --> 00:50:02.635

So Michelle Moss for the applicant.

859

00:50:02.695 --> 00:50:05.155

My my understanding is, is that is not proposed.

860

00:50:06.335 --> 00:50:09.595

Um, however, the, the very nature

861

00:50:09.935 --> 00:50:12.875

of private rights in relation to adopted homes is

862

00:50:12.875 --> 00:50:15.525

that they're rarely registered and

863

00:50:15.525 --> 00:50:19.565

therefore it is difficult to have certainty as

864

00:50:19.565 --> 00:50:22.565

to whether there are any such private rights in existence

865

00:50:23.255 --> 00:50:25.765

which could be interfered with.

866

00:50:26.725 --> 00:50:30.325

I understand, sir, that there may be some, uh, cutting back

867

00:50:30.325 --> 00:50:32.285

of hedge roads, eyes aside of this.

868

00:50:32.305 --> 00:50:34.165

So there's various powers in the order.

869

00:50:34.985 --> 00:50:37.405

Uh, and without knowing

870

00:50:37.545 --> 00:50:42.035

and having anything clear on the title, the applicant has

871

00:50:42.035 --> 00:50:44.395

to preserve the ability, um,

872

00:50:44.695 --> 00:50:47.355

to address any such rights should they arise

873

00:50:47.355 --> 00:50:48.595

and should they be asserted.

874

00:50:49.465 --> 00:50:54.395

Okay, thank you. Um, moving on then to clarification

875

00:50:54.395 --> 00:50:57.325

around biodiversity net gain

876

00:50:58.325 --> 00:50:59.765

relevant policy which supports this

877

00:51:00.025 --> 00:51:03.725

and the provisions of section 1 2 2 of planning act 2008,

878

00:51:04.905 --> 00:51:08.125

um, in relation to, for example, in relation

879

00:51:08.125 --> 00:51:09.685

to plot oh two one B,

880

00:51:12.905 --> 00:51:17.845

um, is,

881

00:51:18.185 --> 00:51:19.845

is it a planning policy requirement

882

00:51:19.845 --> 00:51:23.685

or a guidance planning guidance regard regarding, um,

883

00:51:24.555 --> 00:51:25.605

diversity net gain?

884

00:51:29.255 --> 00:51:33.955

So Michelle Moss for the applicant, I will invite, um, Mr.

885

00:51:34.105 --> 00:51:37.635

John Bowles to the, the planning advisor to,

886

00:51:37.695 --> 00:51:38.835

to respond to that point

887

00:51:41.925 --> 00:51:43.295

John Bowles for the applicant.

888

00:51:44.275 --> 00:51:48.015

Uh, so the policy, uh, policy position on BNG generally,

889

00:51:48.135 --> 00:51:49.775

I thought it might be helpful just to run

890

00:51:49.775 --> 00:51:53.455

through the whole sequence is, is as follows, um,

891

00:51:53.475 --> 00:51:57.455

the environment at 2021, schedule 15 part one,

892

00:51:57.975 --> 00:52:02.335

schedule two A, um, E now includes a requirement

893

00:52:02.435 --> 00:52:06.975

for a per the percentage specified under a subparagraph, um,

894

00:52:06.975 --> 00:52:09.575

which must be at least 10%, um, to be

895

00:52:09.815 --> 00:52:12.895

provided in development that, um,

896

00:52:14.015 --> 00:52:15.895

a provision within the Environment Act,

897

00:52:15.895 --> 00:52:19.375

as I'm sure you're aware, is yet to be, um, uh, enabled.

898

00:52:20.155 --> 00:52:21.695

Um, it comes into effect

899

00:52:21.795 --> 00:52:23.935

for development generally in January.

900

00:52:24.755 --> 00:52:28.535

Um, but in relation to, um, uh,

901

00:52:29.705 --> 00:52:33.095

nationally significant infrastructure projects, um,

902

00:52:33.565 --> 00:52:35.295

from November, 2025.

903

00:52:35.435 --> 00:52:38.215

So it's not a requirement at this point in time.

904

00:52:39.195 --> 00:52:41.815

Um, the government has though committed to it and to,

905

00:52:41.955 --> 00:52:44.575

and they have stated that to support the readiness,

906

00:52:45.075 --> 00:52:46.495

we will consult on that,

907

00:52:46.495 --> 00:52:49.695

the biodiversity gain statement in March, 2024

908

00:52:50.155 --> 00:52:52.575

and publish a final version alongside further

909

00:52:53.365 --> 00:52:55.735

nsip guidance in September, 2024.

910

00:52:57.725 --> 00:53:01.255

There's no net gain requirement in the adopted local plans.

911

00:53:01.595 --> 00:53:05.015

As it stands, the greater Cambridge biodiversity

912

00:53:05.565 --> 00:53:07.375

supplementary planning document

913

00:53:07.995 --> 00:53:10.615

was adopted in February, 2022

914

00:53:10.755 --> 00:53:12.455

by South Cambridge District Council

915

00:53:13.795 --> 00:53:18.105

At paragraph 1.1 0.2 of that document,

916

00:53:19.205 --> 00:53:23.505

uh, the council expressed the desire to realize BNG

917

00:53:24.285 --> 00:53:27.535

at 20% for all development types with, um,

918

00:53:30.055 --> 00:53:31.715

the greater Cambridge biodiversity.

919

00:53:32.155 --> 00:53:35.995

SPD also refers to the, um, south Cams

920

00:53:36.635 --> 00:53:38.635

district council doubling nature strategy.

921

00:53:39.735 --> 00:53:44.515

The doubling nature strategy 2021 at page 12

922

00:53:45.465 --> 00:53:50.235

sets out an aspiration to a tweet to achieve 20% net gain

923

00:53:50.235 --> 00:53:54.715

through development and the greater Cambridge local plan

924

00:53:54.715 --> 00:53:57.635

first proposals, which as you know, is the draft local plan,

925

00:53:58.255 --> 00:54:02.155

uh, includes a draft policy bg, oblique bg,

926

00:54:02.845 --> 00:54:04.635

which is to require development

927

00:54:04.635 --> 00:54:07.955

to achieve a minimum 20% biodiversity net gain.

928

00:54:08.305 --> 00:54:10.595

That local plan, as you know, is still draft

929

00:54:10.935 --> 00:54:13.395

and is some way from adoption at this point in time.

930

00:54:14.935 --> 00:54:19.315

So the MPPF um, refers to B NG at paragraph

931

00:54:19.855 --> 00:54:24.035

180 180 D, um,

932

00:54:24.965 --> 00:54:27.755

seeks to, as it stands at this point in time

933

00:54:27.815 --> 00:54:30.435

and obviously in relation to the latest addition

934

00:54:30.575 --> 00:54:34.555

of the MPPF, um, to minimize impacts on

935

00:54:34.735 --> 00:54:36.955

and to provide net gains for biodiversity,

936

00:54:37.095 --> 00:54:41.555

but it doesn't specify a specific, um, amount

937

00:54:41.975 --> 00:54:43.995

and requirement for that, only

938

00:54:44.295 --> 00:54:47.355

for net gain to biodiversity.

939

00:54:48.175 --> 00:54:49.755

Uh, um,

940

00:54:50.375 --> 00:54:52.675

and uh, it includes other, uh,

941

00:54:52.675 --> 00:54:56.315

provisions under paragraph 180 5 B and 180 6 D.

942

00:54:57.615 --> 00:55:02.155

So sir, in, uh, the, those, those matters were all outlined,

943

00:55:02.375 --> 00:55:04.275

um, in our biodiversity chapter

944

00:55:04.275 --> 00:55:05.555

of the environmental statement.

945

00:55:06.095 --> 00:55:10.075

Uh, that's appendix eight point 13, um, the,

946

00:55:10.095 --> 00:55:11.795

the biodiversity net gain report.

947

00:55:12.775 --> 00:55:15.715

Um, so the only other point I would make is that, um,

948

00:55:16.295 --> 00:55:19.435

in a recent high court decision, NRS said

949

00:55:19.495 --> 00:55:22.035

and aggregates limited versus Secretary of State

950

00:55:22.035 --> 00:55:26.475

and another, so 2020, sorry, November, 2023 decision,

951

00:55:27.375 --> 00:55:31.835

um, the high court has considered the way to be accorded

952

00:55:31.835 --> 00:55:34.795

to be NG in planning decisions, um,

953

00:55:35.135 --> 00:55:37.995

and the, uh, the relevance of that in those decisions.

954

00:55:38.575 --> 00:55:43.015

Uh, so in, in my, um, uh,

955

00:55:44.915 --> 00:55:49.015

um, opinion in relation to planning matters here, sir, um,

956

00:55:49.115 --> 00:55:52.535

the provision of BNG is a relevant matter in effectively

957

00:55:52.535 --> 00:55:55.615

the, the case for the development overall.

958

00:55:56.475 --> 00:55:59.295

Um, and as such has a, uh,

959

00:55:59.655 --> 00:56:01.135

relevance if you like in term terms

960

00:56:01.135 --> 00:56:03.135

of the compelling need case in relation

961

00:56:03.155 --> 00:56:04.815

to acquisition of land.

962

00:56:14.905 --> 00:56:19.255

So does the need for land for biodiversity net gain,

963

00:56:20.575 --> 00:56:24.565

again, particularly plot oh 1 0 2 1 B fall under section

964

00:56:26.405 --> 00:56:30.295

1 2 2 2 B as in

965

00:56:31.555 --> 00:56:34.135

the land is required to facilitate

966

00:56:34.155 --> 00:56:36.855

or is den incidental to the, the development?

967

00:56:36.915 --> 00:56:38.215

Is that what you're saying?

968

00:56:40.465 --> 00:56:43.565

So Michelle Moss for the applicant, yes, it falls under

969

00:56:43.565 --> 00:56:44.765

that limb as opposed

970

00:56:44.785 --> 00:56:47.125

to it being required for the development.

971

00:56:49.205 --> 00:56:53.705

And so if I may also add that the, the fact that as

972

00:56:53.705 --> 00:56:57.145

yet it's not a mandatory requirement does not preclude there

973

00:56:57.145 --> 00:56:58.625

from being public benefits

974

00:56:58.885 --> 00:57:02.505

and environmental benefits which come from the provision of

975

00:57:03.145 --> 00:57:05.745

BNG and which are something

976

00:57:05.745 --> 00:57:07.585

that can be taken account both in case

977

00:57:07.585 --> 00:57:08.785

of the planning balance

978

00:57:09.245 --> 00:57:11.625

and the compulsory acquisition compelling

979

00:57:11.625 --> 00:57:12.705

case in the public interest.

980

00:57:13.415 --> 00:57:16.625

Yeah. Um, I, I suppose just in terms of section 1, 2 2,

981

00:57:17.705 --> 00:57:21.615

I just wanted to understand which part of

982

00:57:21.615 --> 00:57:22.695

that it falls under.

983

00:57:22.875 --> 00:57:26.815

And you said it's section two B? Yes. Okay.

984

00:57:31.275 --> 00:57:32.275

Yes. Ms. Cotton,

985

00:57:37.215 --> 00:57:39.755

Uh, Liz Comment make, is this an appropriate time to make

986

00:57:39.795 --> 00:57:42.595

A comment on behalf of the, uh, tenant farmers with regard

987

00:57:42.595 --> 00:57:45.915

to that parcel of land or should I reserve that for later?

988

00:57:46.145 --> 00:57:48.155

Yeah, I, I think maybe res we'll reserve that

989

00:57:48.155 --> 00:57:50.755

for later when we come onto individual objections.

990

00:57:50.905 --> 00:57:54.285

Okay, thank you. Okay, thank you.

991

00:57:56.975 --> 00:58:00.115

Um, so moving on to the next bullet point in that case, um,

992

00:58:00.425 --> 00:58:04.675

clarification around why interference with private rights

993

00:58:04.675 --> 00:58:06.555

for the local highway authority

994

00:58:07.385 --> 00:58:10.155

does not engage section 1 2 7 of the planning acts.

995

00:58:11.295 --> 00:58:13.835

Um, as mentioned, the stature undertakers progress schedule,

996

00:58:13.905 --> 00:58:15.915

whereas they would for, for example,

997

00:58:16.335 --> 00:58:17.395

UK Power Networks Limited.

998

00:58:19.505 --> 00:58:23.855

Thank you. So Michelle Moss for the applicant, um, sir,

999

00:58:23.885 --> 00:58:28.655

this is in respect to section 1 2 7 is engaged where land

1000

00:58:29.235 --> 00:58:31.895

or new rights over land are proposed to be

1001

00:58:32.695 --> 00:58:34.935

acquired in relation to the land owned

1002

00:58:34.995 --> 00:58:36.535

by a statutory undertaker.

1003

00:58:37.235 --> 00:58:40.055

In the example that's given in the agenda item

1004

00:58:40.845 --> 00:58:43.415

regarding the LI Local Highway Authority,

1005

00:58:44.245 --> 00:58:47.975

that local highway authority does not own any such land,

1006

00:58:48.385 --> 00:58:51.655

which is proposed to be compulsory acquired in that way, and

1007

00:58:51.655 --> 00:58:55.255

therefore section 1 2 7 is not engaged.

1008

00:58:56.075 --> 00:58:58.615

In contrast to the example

1009

00:58:59.095 --> 00:59:03.015

provided regarding UK Power Networks, that

1010

00:59:03.555 --> 00:59:07.415

entity is the registered owner of land, um,

1011

00:59:07.605 --> 00:59:11.495

plot 0 1 4 A as an example, 0,

1012

00:59:11.495 --> 00:59:14.335

which is brown land over which new rights are proposed

1013

00:59:14.335 --> 00:59:16.415

to be compulsory acquired and

1014

00:59:16.415 --> 00:59:18.815

therefore that engages section

1015

00:59:19.515 --> 00:59:21.805

1 2 7 subsection six.

1016

00:59:24.305 --> 00:59:27.205

So this may be linked to your previous question regarding

1017

00:59:27.945 --> 00:59:29.405

you, the, um,

1018

00:59:30.585 --> 00:59:35.005

the limitations on not being able to comly acquire rights

1019

00:59:35.005 --> 00:59:36.965

or land over yellow land only.

1020

00:59:37.465 --> 00:59:40.245

And certainly the answer to this question is in that context

1021

00:59:40.275 --> 00:59:42.925

that that is not permitted by the order as drafted.

1022

00:59:45.095 --> 00:59:47.665

Okay. I'm sorry, I'm having trouble getting up the, um,

1023

00:59:47.975 --> 00:59:49.665

statute undertakers progress schedule,

1024

00:59:49.925 --> 00:59:52.065

but are you saying the local highway authority doesn't

1025

00:59:53.005 --> 00:59:56.815

own land, which is to be compuls required?

1026

00:59:57.635 --> 00:59:58.815

That's correct, sir. So

1027

01:00:12.505 --> 01:00:15.245

Are you able to bring up the comp, the uh,

1028

01:00:15.425 --> 01:00:19.385

sta undertaker's progress schedule please?

1029

01:00:19.415 --> 01:00:20.505

Onto the screen? Onto

1030

01:00:20.725 --> 01:00:21.725

The screen?

1031

01:00:21.805 --> 01:00:22.805

Do we know who's got,

1032

01:00:24.325 --> 01:00:25.425

Uh, Ability to share?

1033

01:00:25.925 --> 01:00:28.545

Ah, somebody has done it.

1034

01:00:28.805 --> 01:00:31.865

Oh, brilliant. So if you could go down to the,

1035

01:00:33.455 --> 01:00:35.285

where it says local highway authority,

1036

01:00:40.715 --> 01:00:42.035

I think it may be higher up.

1037

01:00:47.395 --> 01:00:48.395

Okay, so

1038

01:00:50.195 --> 01:00:54.875

It Says assumed owner of oh 40 A

1039

01:00:56.835 --> 01:00:59.415

and it says that the two parcels they own are subject

1040

01:00:59.435 --> 01:01:01.975

to potential interference with private rights.

1041

01:01:04.435 --> 01:01:08.295

So why does

1042

01:01:08.295 --> 01:01:13.215

that not engage section 1 2 7 if they own the land

1043

01:01:13.555 --> 01:01:18.495

and it's going to be subject to some form of, it's some form

1044

01:01:18.495 --> 01:01:20.575

of compulsive acquisition even though it's, you know,

1045

01:01:20.575 --> 01:01:22.775

down the lower end of the scale.

1046

01:01:41.775 --> 01:01:45.075

So Michelle Moss for the applicant, I'm, I'm turning up

1047

01:01:45.705 --> 01:01:49.715

section 1 2 7 of the planning act,

1048

01:01:50.655 --> 01:01:54.245

um, which in relation to

1049

01:01:55.155 --> 01:01:59.765

statutory undertakers land, it is dealing with

1050

01:02:01.205 --> 01:02:04.685

a scenario whereby land has been acquired

1051

01:02:04.685 --> 01:02:05.965

by statutory undertakers

1052

01:02:05.965 --> 01:02:07.485

for the purposes of their undertaking.

1053

01:02:09.335 --> 01:02:11.575

A representation has been made about it

1054

01:02:11.875 --> 01:02:15.095

and the land is used for the purposes of carrying on

1055

01:02:15.095 --> 01:02:20.005

that undertaking section 1 2 7 2 authorizes,

1056

01:02:21.025 --> 01:02:24.845

um, development consent order to include provision

1057

01:02:26.085 --> 01:02:28.525

authorizing the compulsory acquisition

1058

01:02:28.745 --> 01:02:33.165

of statutory undertaker's land such that it can be purchased

1059

01:02:33.185 --> 01:02:35.205

and not replaced without detriment.

1060

01:02:36.305 --> 01:02:39.405

The applicant is not seeking to purchase

1061

01:02:41.005 --> 01:02:44.465

any land which is owned by the local highways authority,

1062

01:02:44.515 --> 01:02:46.745

which would engage that provision,

1063

01:02:48.675 --> 01:02:51.855

nor in the context of section

1064

01:02:52.755 --> 01:02:55.735

1 2 7 6

1065

01:02:57.565 --> 01:03:00.905

is it seeking to acquire a new right

1066

01:03:01.565 --> 01:03:04.945

or a restrictive covenant over such land.

1067

01:03:05.575 --> 01:03:09.145

Therefore section 1 2 7 does not come into play.

1068

01:03:11.705 --> 01:03:12.915

Okay. Is it a new right?

1069

01:03:13.205 --> 01:03:17.735

Isn't that, um, so private

1070

01:03:17.795 --> 01:03:20.015

rights interference to his private rights,

1071

01:03:20.015 --> 01:03:23.455

you're saying don't, doesn't fall within 1 2 7 5

1072

01:03:27.815 --> 01:03:30.675

Sir Michelle Moss for the applicant, that is

1073

01:03:30.675 --> 01:03:33.475

concerning a provision authorizing the compulsory

1074

01:03:33.505 --> 01:03:37.715

acquisition of a right by the creation

1075

01:03:37.775 --> 01:03:38.835

of a new Right.

1076

01:03:39.375 --> 01:03:43.115

So in the context of the order, it would be blue land

1077

01:03:44.015 --> 01:03:45.075

or brown land.

1078

01:03:45.455 --> 01:03:49.995

So it is the, it is not dealing with existing rights

1079

01:03:50.225 --> 01:03:51.595

that an undertaker may have,

1080

01:03:51.975 --> 01:03:56.555

but the express positive compulsory acquisition of

1081

01:03:56.975 --> 01:03:58.515

by the creation of something new

1082

01:03:59.295 --> 01:04:02.395

and section the, the yellow land, the interference

1083

01:04:02.425 --> 01:04:07.115

with private rights only are not authorizing those creation,

1084

01:04:07.145 --> 01:04:08.595

that creation of new rights.

1085

01:04:09.825 --> 01:04:11.635

Okay. So that particular statutory undertake

1086

01:04:11.635 --> 01:04:14.315

of their rights, they, they don't have any rights in

1087

01:04:14.395 --> 01:04:16.595

that land which would be affected in that case.

1088

01:04:18.625 --> 01:04:22.245

So to, to the extent that they do then

1089

01:04:23.035 --> 01:04:26.685

it's not the compulsory acquisition article in either 20,

1090

01:04:26.685 --> 01:04:29.245

article 26 or 28 which has effect.

1091

01:04:29.245 --> 01:04:32.485

It goes to the private rights overriding articles

1092

01:04:33.385 --> 01:04:37.445

and those provisions are remain subject to

1093

01:04:37.995 --> 01:04:41.245

Article 41, which makes clear

1094

01:04:41.275 --> 01:04:43.885

that the overriding interference or

1095

01:04:43.885 --> 01:04:46.845

otherwise with statutory undertaker's rights is subject

1096

01:04:46.845 --> 01:04:50.325

to the protected provisions in Schedule 15.

1097

01:04:50.635 --> 01:04:54.645

Therefore, it's not to say that there isn't a possible

1098

01:04:55.205 --> 01:05:00.085

interference, but it's, it's not section 1 2 7

1099

01:05:00.105 --> 01:05:02.845

that's engaged by that it takes you through

1100

01:05:02.845 --> 01:05:04.405

to the protective provisions

1101

01:05:04.585 --> 01:05:07.165

and the operation of Article 41.

1102

01:05:08.425 --> 01:05:09.515

Okay, thank you.

1103

01:05:10.535 --> 01:05:12.475

Um, so then moving on to the next bullet point.

1104

01:05:12.535 --> 01:05:15.875

In that case, uh, it was about the general consideration

1105

01:05:15.875 --> 01:05:18.020

of whether there is a compelling case in the public

1106

01:05:18.405 --> 01:05:21.565

interest, um, having about section 1, 2 2,

1107

01:05:22.705 --> 01:05:25.365

if there is no demonstrable need

1108

01:05:25.365 --> 01:05:29.285

for a new wastewater treatment plant in its own right, um,

1109

01:05:30.265 --> 01:05:31.565

so does the compelling case

1110

01:05:32.265 --> 01:05:34.845

in the applicant's view stem from the proposed relocation

1111

01:05:36.425 --> 01:05:39.965

to enable the redevelopment of the site and the wider area?

1112

01:05:44.905 --> 01:05:49.125

So Michelle Moss for the applicant, the satisfaction

1113

01:05:49.125 --> 01:05:51.885

of the compelling case in the public interest test

1114

01:05:52.025 --> 01:05:55.245

for the purposes of the CLG guidance

1115

01:05:56.585 --> 01:05:59.815

is not dependent,

1116

01:05:59.845 --> 01:06:02.215

it's not expressly linked on whether there's a need

1117

01:06:02.835 --> 01:06:06.135

to relocate the existing wastewater treatment

1118

01:06:06.135 --> 01:06:07.655

plant in its own right.

1119

01:06:08.595 --> 01:06:13.375

Rather, paragraph 13 of that guidance requires there to be

1120
01:06:14.065 --> 01:06:16.055
compelling evidence that the public

1121
01:06:16.695 --> 01:06:20.095
benefits which will be derived from the proposed development

1122
01:06:20.445 --> 01:06:23.815
from the acquisition of land, will outweigh private loss.

1123
01:06:24.355 --> 01:06:29.335
So it brings in the public benefits which will be

1124
01:06:29.925 --> 01:06:34.655
enabled by the relocation of the existing,

1125
01:06:34.915 --> 01:06:39.885
uh, wastewater treatment plant which have,

1126
01:06:39.885 --> 01:06:41.205
have previously been examined

1127
01:06:41.205 --> 01:06:42.605
and are set out in the planning statement.

1128
01:06:43.105 --> 01:06:47.205
It brings in the, uh, benefits, public benefits

1129
01:06:47.265 --> 01:06:48.605
and operational benefits

1130
01:06:48.605 --> 01:06:53.125
and efficiencies that will be enabled by the delivery

1131
01:06:53.185 --> 01:06:56.285
of the modern, modern, uh, plant.

1132
01:06:56.425 --> 01:06:58.285
And it also brings in the benefits

1133
01:06:58.285 --> 01:07:02.205

that will come from being able to meet the growth, uh,

1134

01:07:02.225 --> 01:07:03.525
and increasing capacity.

1135

01:07:04.195 --> 01:07:08.485
Therefore, it's not strictly is there a need

1136

01:07:08.485 --> 01:07:12.045
to relocate the existing plant in its own right,

1137

01:07:12.385 --> 01:07:16.205
but will the benefits that will flow from that, uh,

1138

01:07:16.245 --> 01:07:19.205
outweigh the impacts on private rights.

1139

01:07:19.205 --> 01:07:21.365
And, and so the applicant submits that

1140

01:07:21.835 --> 01:07:24.965
that is a legitimate purpose, uh,

1141

01:07:25.025 --> 01:07:27.365
for the proposed acquisition, uh,

1142

01:07:27.385 --> 01:07:28.885
and that those tests are met.

1143

01:07:32.335 --> 01:07:35.825
Okay, but, and are you aware of any other DCO in which

1144

01:07:35.885 --> 01:07:38.865
that's been the case where it's not specifically the,

1145

01:07:40.595 --> 01:07:42.135
the need for the development as such,

1146

01:07:42.195 --> 01:07:46.775
but it's an alternative enabling reason that provides the,

1147

01:07:48.265 --> 01:07:50.525

the compelling case in the public interest?

1148

01:07:52.995 --> 01:07:55.215

So Michelle Moss for the applicant i'd, I'd need

1149

01:07:55.215 --> 01:07:56.255

to take that away.

1150

01:07:57.685 --> 01:07:58.335

Okay, thank you.

1151

01:08:05.595 --> 01:08:10.055

So, uh, following on from that, I suppose the question was

1152

01:08:10.055 --> 01:08:11.695

how, how is it justified if

1153

01:08:12.635 --> 01:08:15.365

the redevelopment does not form part of the application

1154

01:08:16.465 --> 01:08:19.525

and plans and proposals for search form parts

1155

01:08:19.525 --> 01:08:22.845

of an emerging local plan which has not yet been examined?

1156

01:08:27.195 --> 01:08:28.825

Sorry sir, could you repeat that question?

1157

01:08:29.055 --> 01:08:31.825

Yeah, so how was the compelling case justified

1158

01:08:32.485 --> 01:08:34.505

if the redevelopment does not form parts

1159

01:08:35.045 --> 01:08:36.145

of this application?

1160

01:08:37.335 --> 01:08:40.195

So we haven't got that as

1161

01:08:42.665 --> 01:08:44.465
a tangible benefit 'cause it doesn't

1162

01:08:44.465 --> 01:08:45.545
form parts of the application.

1163

01:08:46.885 --> 01:08:48.625
Um, and plans

1164

01:08:48.645 --> 01:08:52.305
and proposals for this redevelopment, uh, form parts

1165

01:08:52.305 --> 01:08:54.505
of an emerging local plan, which is yet

1166

01:08:55.005 --> 01:08:56.545
to be examined or found sound.

1167

01:08:57.445 --> 01:09:00.625
So where does the public benefit stem from if it doesn't

1168

01:09:00.625 --> 01:09:01.745
form part of the application

1169

01:09:02.685 --> 01:09:07.385
and it's not yet, I suppose as certainty

1170

01:09:07.525 --> 01:09:09.985
so far as local plans are concerned.

1171

01:09:12.465 --> 01:09:15.485
So Michelle Moss for the applicant, I I may ask Mr.

1172

01:09:15.715 --> 01:09:20.125
John Bowles to, to come in here In terms of the, um, the,

1173

01:09:20.305 --> 01:09:22.645
the public benefits which are set out in the planning

1174

01:09:22.645 --> 01:09:26.445

statement, what I would say it is a direct enabler

1175

01:09:27.385 --> 01:09:30.315

that will flow from the acquisition of,

1176

01:09:30.385 --> 01:09:32.675

from the compulsory acquisition of the land required

1177

01:09:32.675 --> 01:09:35.155

for the proposed development and

1178

01:09:35.315 --> 01:09:38.155

therefore from its vacating that site.

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01:09:38.845 --> 01:09:41.275

Those, that direct link

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01:09:42.185 --> 01:09:44.195

between the proposed development

1181

01:09:44.455 --> 01:09:47.995

and the public benefits that will flow from

1182

01:09:48.935 --> 01:09:52.915

its relocation is something on which the decision maker can

1183

01:09:53.075 --> 01:09:54.835

place significant weight.

1184

01:09:56.845 --> 01:10:00.815

It inevitably, sir, goes back to the planning position,

1185

01:10:01.075 --> 01:10:03.695

the planning need case, which has already been examined.

1186

01:10:05.875 --> 01:10:08.965

Okay, thank you. Um,

1187

01:10:08.965 --> 01:10:11.885

that was all the questions I had on this agenda item.

1188

01:10:12.345 --> 01:10:15.925

Um, does anybody else have any general points they wish

1189

01:10:15.925 --> 01:10:18.725

to raise on the applicant's case for compulsory acquisition?

1190

01:10:19.145 --> 01:10:20.405

Yes, please, Ms. Cotton,

1191

01:10:21.065 --> 01:10:22.205

Uh, uh, Liz

1192

01:10:22.205 --> 01:10:25.325

Cotton, just asking the applicant if they could, uh,

1193

01:10:25.845 --> 01:10:28.045

reiterate exactly what these,

1194

01:10:28.325 --> 01:10:29.645

I know it's been listed many times,

1195

01:10:29.745 --> 01:10:31.165

but it would be great to hear it again

1196

01:10:31.165 --> 01:10:34.005

what these public benefits are exactly.

1197

01:10:36.265 --> 01:10:38.285

I'm sure you must have them on the tip of your tongue,

1198

01:10:38.905 --> 01:10:40.285

so I'd just like to hear them again.

1199

01:10:41.355 --> 01:10:43.165

Okay. Is the applicant willing to do that

1200

01:10:44.665 --> 01:10:45.665

Sir? Michelle Moss

1201

01:10:45.665 --> 01:10:47.485
for the applicant? I will ask Mr.

1202

01:10:47.515 --> 01:10:48.925
John Balls to do that. Thank you.

1203

01:10:56.125 --> 01:10:57.495
John Bowles for the applicant.

1204

01:10:57.995 --> 01:11:02.715
So I would refer, um, specifically

1205

01:11:02.815 --> 01:11:05.355
to section two of the planning statement, which, uh,

1206

01:11:05.355 --> 01:11:10.115
the latest version of is REP 1 0 4 9,

1207

01:11:10.705 --> 01:11:13.075
section two of that statement.

1208

01:11:13.705 --> 01:11:16.485
If you would just bear with me and I'll bring it up.

1209

01:11:22.015 --> 01:11:23.655
I think if you try to this fairly briefly

1210

01:11:23.935 --> 01:11:27.655
'cause we did cover this in the first round of hearings to,

1211

01:11:28.675 --> 01:11:29.775
in quite lots of detail.

1212

01:11:29.905 --> 01:11:33.335
Thank you. Alright. Apologies for asking for repetition.

1213

01:11:33.495 --> 01:11:35.855
I mean if you, if you want No, no, it's okay.

1214

01:11:35.855 --> 01:11:38.495

Yeah, it's worthwhile reiterating it briefly. Thank you.

1215

01:11:49.065 --> 01:11:52.645

So the first, so uh, paragraph, uh, 2, 1 3

1216

01:11:53.185 --> 01:11:57.845

of the planning statement, um, sets out the implication

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01:11:57.865 --> 01:12:00.725

of the development in overall terms, um,

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01:12:01.025 --> 01:12:05.485

and, uh, specifically, uh, that the relocation will enable,

1219

01:12:05.865 --> 01:12:08.085

uh, the creation of a new city district.

1220

01:12:08.105 --> 01:12:11.285

So the urban regeneration benefits, which, uh,

1221

01:12:11.585 --> 01:12:15.125

arises from the vacation of the existing site.

1222

01:12:21.495 --> 01:12:24.295

I don't repeat, sir, the sort of full detail of the, those,

1223

01:12:24.595 --> 01:12:27.455

uh, those elements that are delivered as a consequence of

1224

01:12:27.455 --> 01:12:28.855

that or which may be delivered.

1225

01:12:30.675 --> 01:12:32.975

Um, I then turn to, um,

1226

01:12:34.285 --> 01:12:37.815

paragraph 2.2 point 17 of the planning statement,

1227

01:12:37.815 --> 01:12:40.175

which lists, uh, a number of benefits

1228

01:12:40.235 --> 01:12:43.135

and those in brief are the building of a modern

1229

01:12:43.795 --> 01:12:47.695

low carbon wastewater treatment facility, the improvement

1230

01:12:47.695 --> 01:12:51.655

of storm resilience, the improvement to the quality

1231

01:12:51.755 --> 01:12:55.735

of the recycled water returned to the river cam,

1232

01:12:57.325 --> 01:12:59.385

the restoration and enhancement

1233

01:12:59.405 --> 01:13:03.935

of the surrounding environment, maximizing public value

1234

01:13:03.995 --> 01:13:05.535

and supporting the circular economy,

1235

01:13:09.265 --> 01:13:11.915

operational and capital cost efficiencies

1236

01:13:12.295 --> 01:13:17.015

and carbon cost reduction, improving access

1237

01:13:17.035 --> 01:13:19.175

to the countryside with new paths

1238

01:13:19.235 --> 01:13:24.095

and accept accessible open spaces, enhancing education,

1239

01:13:25.085 --> 01:13:27.135

enhancing recreational opportunities

1240

01:13:28.355 --> 01:13:31.575

and our return to those, uh, those benefits, uh,

1241

01:13:31.755 --> 01:13:33.095

in section six

1242

01:13:33.095 --> 01:13:34.935
of the planning statement, which I won't go to.

1243

01:13:35.115 --> 01:13:36.115
No.

1244

01:13:38.855 --> 01:13:41.895
Okay, thank you. Uh,

1245

01:13:41.895 --> 01:13:43.495
before we move on to the next agenda item,

1246

01:13:43.555 --> 01:13:44.695
do anybody else have any comments

1247

01:13:44.875 --> 01:13:48.335
or points which to make on this agenda item?

1248

01:13:50.905 --> 01:13:51.905
Mr. Gilder?

1249

01:13:53.565 --> 01:13:55.345
Sir, I'm, I'm, I'm aware

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01:13:55.345 --> 01:13:57.985
that we will get on later in the day to talking about the,

1251

01:13:58.765 --> 01:14:01.665
the substantive elements of the funding package

1252

01:14:01.775 --> 01:14:02.905
that supports this project.

1253

01:14:03.505 --> 01:14:05.665
I suppose the point to be made just at this stage,

1254

01:14:05.725 --> 01:14:08.345
so which will be clearly in your mind is

1255

01:14:08.345 --> 01:14:11.065
that paragraph eight of the, um,

1256

01:14:11.175 --> 01:14:13.685
compulsory acquisition guidelines has

1257

01:14:13.685 --> 01:14:17.245
to be met also in terms of justifying, um,

1258

01:14:17.385 --> 01:14:18.685
the compulsory acquisition.

1259

01:14:19.065 --> 01:14:20.645
And this goes to the question obviously

1260

01:14:20.645 --> 01:14:22.165
of whether the applicant

1261

01:14:23.185 --> 01:14:26.085
and the secretary stage is satisfied that the applicant has

1262

01:14:26.965 --> 01:14:28.845
considered all reasonable alternatives

1263

01:14:28.845 --> 01:14:32.845
to compulsory acquisition, um, including modifications

1264

01:14:32.865 --> 01:14:34.285
to the scheme and clearly that

1265

01:14:34.635 --> 01:14:37.925
that turns on whether this is the right scheme in the right

1266

01:14:37.925 --> 01:14:39.285
design and the right location.

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01:14:39.745 --> 01:14:41.765
Um, and you'll be aware of that Sarah,

1268

01:14:41.765 --> 01:14:43.005

and I'll just draw it to your attention.

1269

01:14:45.805 --> 01:14:48.745

Yes, thank you. I think the app, the applicant briefly

1270

01:14:50.335 --> 01:14:52.665

mentioned alternatives to the scheme.

1271

01:14:55.025 --> 01:14:56.605

So Michelle Moss for the applicant?

1272

01:14:56.985 --> 01:14:59.445

Yes, I drew reference to the site selection

1273

01:15:00.075 --> 01:15:03.565

reports which explained the alternatives in the evolution,

1274

01:15:04.105 --> 01:15:06.045

uh, of the project and the consultation

1275

01:15:06.065 --> 01:15:07.845

and the stages that were undertaken

1276

01:15:09.345 --> 01:15:13.685

if the examining authority you, there are also examples

1277

01:15:13.685 --> 01:15:18.645

where the applicant has having selected the particular site,

1278

01:15:19.175 --> 01:15:24.045

particular location, um, engaged with key stakeholders

1279

01:15:24.115 --> 01:15:25.405

with affected parties

1280

01:15:26.305 --> 01:15:30.885

and modified the particular aspects of the scheme

1281

01:15:30.905 --> 01:15:32.765

to take into account their concerns.

1282

01:15:33.185 --> 01:15:36.125

The Examiner authority would be interested in an example of

1283

01:15:36.125 --> 01:15:37.765

that then I would ask Mr.

1284

01:15:38.235 --> 01:15:40.005

Cutz to, to elaborate

1285

01:15:48.265 --> 01:15:49.695

Being cutz for the applicant.

1286

01:15:49.875 --> 01:15:53.055

Uh, the, the example that I would give is, is in relation

1287

01:15:53.055 --> 01:15:57.535

to shaft four, uh, for the wastewater transfer tunnel,

1288

01:15:58.355 --> 01:16:02.135

uh, where, uh, the applicant had an original location for

1289

01:16:02.135 --> 01:16:05.215

that shaft and following, um, consultation

1290

01:16:05.215 --> 01:16:09.295

with the local residents, uh, the, the location of

1291

01:16:09.295 --> 01:16:13.815

that shaft was, was moved, uh, to reduce the, uh, impact,

1292

01:16:14.355 --> 01:16:15.735

um, on those residents.

1293

01:16:16.315 --> 01:16:18.695

Um, and, and that was, was done in consultation

1294

01:16:18.695 --> 01:16:19.775

with, with the residents.

1295

01:16:19.775 --> 01:16:22.095

So I think that's a, a good example of,

1296

01:16:22.155 --> 01:16:24.295

um, of, of that process.

1297

01:16:27.265 --> 01:16:29.875

Okay. And in, in terms of any of the alternatives, would,

1298

01:16:31.125 --> 01:16:33.075

would they have all required some form

1299

01:16:33.075 --> 01:16:35.715

of compulsory acquisition or temporary possession

1300

01:16:38.785 --> 01:16:39.985

Ian cuts to the applicant in

1301

01:16:40.105 --> 01:16:41.145

relation to that example, sir?

1302

01:16:41.535 --> 01:16:43.225

Well, any of the alternatives looked at,

1303

01:16:43.805 --> 01:16:45.665

Uh, yes, they, they, they would've done.

1304

01:16:47.635 --> 01:16:50.525

Okay, thank you. Um,

1305

01:16:50.725 --> 01:16:52.605

I can't say any hands raised virtually either.

1306

01:16:52.745 --> 01:16:56.125

So on that base, yes, Ms. Cotton, so

1307

01:16:56.305 --> 01:16:57.605

It, you just said, uh, Mr.

1308

01:16:57.655 --> 01:17:01.085

Cutts that they would've led to compulsory acquisition if

1309

01:17:01.085 --> 01:17:02.125
that shaft hadn't been moved.

1310

01:17:02.125 --> 01:17:03.965
Does that mean that now because it has been moved,

1311

01:17:04.155 --> 01:17:05.925
it's not going to lead to any compulsory

1312

01:17:06.115 --> 01:17:07.445
acquisition around that area?

1313

01:17:08.165 --> 01:17:10.235
I think we're going to come onto to that later. Okay.

1314

01:17:16.565 --> 01:17:17.615
Okay. Uh, thank you.

1315

01:17:17.615 --> 01:17:20.055
In that case, I'll move on to agenda item three,

1316

01:17:20.305 --> 01:17:22.375
which is c site specific issues for the applicant.

1317

01:17:26.545 --> 01:17:28.565
Um, so I'm aware from the applicant's submissions

1318

01:17:28.715 --> 01:17:30.805
that it is actively in discussions to try

1319

01:17:30.805 --> 01:17:33.805
and secure the rights it needs through voluntary agreements.

1320

01:17:34.665 --> 01:17:37.085
Um, can you please provide a brief

1321

01:17:37.105 --> 01:17:39.725
and general update on how these discussions are progressing,

1322

01:17:40.305 --> 01:17:42.685

the current expected deadlines for conclusion

1323

01:17:42.945 --> 01:17:45.285

and given the number of plots involved, any issues

1324

01:17:45.285 --> 01:17:46.805

where there is a particular problem.

1325

01:17:47.575 --> 01:17:48.575

Thank you.

1326

01:17:50.075 --> 01:17:52.895

So Michelle Moss for the applicant. I'll invite Mr.

1327

01:17:52.925 --> 01:17:54.695

McDermott to, to respond to that.

1328

01:17:58.215 --> 01:18:02.035

So Kurt McDermid, um, on behalf of the applicant, um,

1329

01:18:02.695 --> 01:18:05.915

the applicant has been engaging with effective parties

1330

01:18:06.015 --> 01:18:10.035

for some time now, and as Mrs. Moss stated earlier, our

1331

01:18:10.985 --> 01:18:12.515

desired goal is to reach agreement

1332

01:18:12.675 --> 01:18:13.915

with all those parties prior

1333

01:18:13.915 --> 01:18:15.155

to the end of the examination process.

1334

01:18:16.375 --> 01:18:20.385

Um, we've had regard to the

1335

01:18:21.145 --> 01:18:24.025

DCLG guidance in particular paragraphs 24 26.

1336

01:18:24.885 --> 01:18:28.025

Uh, furthermore we've had regard to, as it's referred to in

1337

01:18:28.025 --> 01:18:29.545

that guidance circular 6 0 4.

1338

01:18:29.545 --> 01:18:31.185

And so we've, we've worked very hard to try

1339

01:18:31.345 --> 01:18:32.825

and engage a party to listen to them

1340

01:18:33.525 --> 01:18:35.625

and to seek agreement with them.

1341

01:18:37.055 --> 01:18:40.925

We've reached, uh, legally documented option agreements

1342

01:18:40.925 --> 01:18:45.095

with two parties and we have five, uh, agreements

1343

01:18:45.095 --> 01:18:50.055

that are currently with, uh, the lawyers to document, uh,

1344

01:18:50.055 --> 01:18:53.425

an option agreement with those

1345

01:18:55.205 --> 01:18:57.925

combined will result in the acquisition of close

1346

01:18:57.925 --> 01:18:59.645

to 95, 90 6%

1347

01:19:00.465 --> 01:19:02.565

of the freehold land needed to deliver the scheme.

1348

01:19:04.135 --> 01:19:08.555

In terms of our position with regards to, uh,

1349

01:19:09.325 --> 01:19:11.595

those other parties that are affected, uh,

1350

01:19:11.655 --> 01:19:13.595

and those that we are in, in discussions

1351

01:19:13.595 --> 01:19:17.135

with active discussions with, we're confident

1352

01:19:17.135 --> 01:19:19.375

that we are in advanced stages of those negotiations

1353

01:19:19.375 --> 01:19:24.155

with those parties and generally, with the exception of

1354

01:19:24.675 --> 01:19:26.075

a few buy points, some

1355

01:19:26.075 --> 01:19:27.955

of those are financial as you'd expect.

1356

01:19:28.645 --> 01:19:30.515

We're confident we'll reach agreement with those.

1357

01:19:32.345 --> 01:19:35.925

We have one party that is, uh, in probate

1358

01:19:36.425 --> 01:19:40.525

and we expect that will be a difficulty for us to, uh,

1359

01:19:40.845 --> 01:19:44.135

conclude agreements with as a result of that process.

1360

01:19:44.235 --> 01:19:48.105

But we are in discussions with, um, the executors

1361

01:19:48.805 --> 01:19:51.025

and, uh, you know, we, we have an,

1362

01:19:51.125 --> 01:19:52.425

we have an agreement in principle

1363

01:19:52.895 --> 01:19:54.225

with when, sorry, apologies.

1364

01:19:54.485 --> 01:19:56.385

We, we have, we have been in discussion with 'em about

1365

01:19:56.405 --> 01:19:58.225

how we would like to reach an agreement with them,

1366

01:19:58.765 --> 01:20:00.785

but they can't conclude that in the circumstances.

1367

01:20:01.965 --> 01:20:05.705

So we are still expecting the need to utilize

1368

01:20:06.255 --> 01:20:08.485

Compuls acquisition powers in those circumstances

1369

01:20:09.235 --> 01:20:11.385

where we have not reached an agreement with parties.

1370

01:20:16.795 --> 01:20:18.365

Okay. Okay. Thank you.

1371

01:20:18.825 --> 01:20:23.255

Um, we've also, uh, asked a number of written questions

1372

01:20:23.915 --> 01:20:26.655

on site specific matters relating to cons,

1373

01:20:26.655 --> 01:20:29.335

compulsory acquisition, temporary possession, um,

1374

01:20:29.515 --> 01:20:31.535

and aware of all submissions relating to this.

1375

01:20:32.345 --> 01:20:33.975

There are, however, a few questions

1376

01:20:33.995 --> 01:20:36.215

or points of clarification, which we wanted to address,

1377

01:20:36.825 --> 01:20:39.535

which we highlighted in the annex to the agenda.

1378

01:20:40.615 --> 01:20:41.915

Um, I'm conscious of time,

1379

01:20:42.415 --> 01:20:44.675

but I thought we'd just run through these up until

1380

01:20:45.875 --> 01:20:47.295

around half past 12.

1381

01:20:48.035 --> 01:20:52.815

Um, so first of all, plots associated with Poplar Hall

1382

01:20:52.815 --> 01:20:54.255

and Poplar Hall Farm.

1383

01:20:55.155 --> 01:20:59.295

Um, so plot oh two one B,

1384

01:21:01.465 --> 01:21:04.135

could you clarify the need for the extent

1385

01:21:04.195 --> 01:21:06.335

of the freely hold, um,

1386

01:21:06.635 --> 01:21:08.975

and matters relating to its current land use?

1387

01:21:09.215 --> 01:21:12.265

'cause my understanding is it's not currently used

1388

01:21:12.265 --> 01:21:13.345

as agricultural land,

1389

01:21:14.245 --> 01:21:17.265

but it may be, I don't know, is it oral rotation system?

1390

01:21:17.565 --> 01:21:21.105

Is it, does it form part of the, um, business

1391

01:21:22.865 --> 01:21:25.625

interests of the farming enterprise?

1392

01:21:29.955 --> 01:21:31.975

So Michelle Moss for the applicant, Mr.

1393

01:21:32.365 --> 01:21:34.135

Cutz will respond to this.

1394

01:21:36.435 --> 01:21:38.465

Thank you, sir. Ian Cutz for the applicant.

1395

01:21:38.815 --> 01:21:41.585

Just to answer your last question first, um,

1396

01:21:41.585 --> 01:21:44.065

that the field is not cultivated at the moment

1397

01:21:44.445 --> 01:21:48.145

and, uh, we believe hasn't been for several years.

1398

01:21:48.725 --> 01:21:52.505

Uh, it, it does form parts we understand of, of the, um,

1399

01:21:53.765 --> 01:21:56.625

of the, uh, demise

1400

01:21:56.685 --> 01:21:58.785

for the tenancy relating to the farm.

1401

01:21:59.445 --> 01:22:03.265

Um, but as I said, it's, it's not inactive farming use.

1402

01:22:04.045 --> 01:22:05.105

Um, today,

1403

01:22:08.495 --> 01:22:12.035

If I can come on to clarifying the need for the freehold of,

1404

01:22:12.035 --> 01:22:15.955
of 21 B, um, this is a busy plot.

1405

01:22:16.485 --> 01:22:21.035
There are several different activities to take place as part

1406

01:22:21.035 --> 01:22:22.315
of the, of the proposed development.

1407

01:22:22.695 --> 01:22:25.675
Um, and those take place at different times as well.

1408

01:22:26.615 --> 01:22:29.875
Uh, these include the construction of the outfall, uh,

1409

01:22:30.195 --> 01:22:31.635
a compound for that.

1410

01:22:32.055 --> 01:22:35.075
Um, construction activity, uh, the installation

1411

01:22:35.075 --> 01:22:38.875
of the final effluent and storm flow pipelines, uh,

1412

01:22:39.095 --> 01:22:41.315
the ecological mitigation area, uh,

1413

01:22:41.315 --> 01:22:45.945
and the diversion of footpath 85 slash six.

1414

01:22:46.885 --> 01:22:48.185
Uh, these are all described in the,

1415

01:22:48.185 --> 01:22:52.665
in the project description, um, REP three dash 0 1 7.

1416

01:22:53.485 --> 01:22:58.105
Um, as a result of those various activities, um,

1417

01:22:59.415 --> 01:23:02.325

there will be a variety of rights which will need

1418

01:23:02.325 --> 01:23:06.415

to be acquired really across the, the, the range, um,

1419

01:23:06.415 --> 01:23:09.295

from freehold, um, to, to temporary possession.

1420

01:23:09.795 --> 01:23:12.055

Um, however, the exact location

1421

01:23:12.955 --> 01:23:14.615

of these different activities and

1422

01:23:14.615 --> 01:23:17.215

therefore the rights that will be required, um,

1423

01:23:17.625 --> 01:23:19.095

isn't precisely known at the moment.

1424

01:23:19.715 --> 01:23:23.415

Um, and and the reasons for that is, is primarily to do

1425

01:23:23.415 --> 01:23:25.575

with, um, the need

1426

01:23:25.575 --> 01:23:28.615

to have more information on ground conditions, for example.

1427

01:23:29.035 --> 01:23:32.055

And in addition to that, um, uh, a deeper

1428

01:23:32.695 --> 01:23:35.135

detailed topographical survey, um, as, as well.

1429

01:23:36.155 --> 01:23:40.175

Uh, so the locations of those activities, um,

1430

01:23:40.595 --> 01:23:42.575

in additional will depend on the sequence

1431

01:23:43.075 --> 01:23:45.415

of when those activities need to happen.

1432

01:23:45.915 --> 01:23:49.935

Uh, and again, that won't be known, uh, until closer

1433

01:23:49.995 --> 01:23:51.695

to the start of of construction.

1434

01:23:52.555 --> 01:23:56.775

Um, so as a result of all of those factors,

1435

01:23:57.195 --> 01:23:58.775

we haven't been able to identify.

1436

01:23:58.875 --> 01:24:02.655

So the applicant hasn't been able to identify, um, exactly

1437

01:24:03.145 --> 01:24:05.575

where some of those activities are going to take place.

1438

01:24:06.075 --> 01:24:09.735

Um, and therefore we have had to rely on, um, the,

1439

01:24:10.155 --> 01:24:12.855

the acquisition of the freehold of, of, of the plot.

1440

01:24:15.055 --> 01:24:17.395

So for example, on the,

1441

01:24:18.215 --> 01:24:20.555

in the biodiversity net gain assessment report,

1442

01:24:20.565 --> 01:24:21.915

which is rep 2 0 20,

1443

01:24:23.695 --> 01:24:27.715

the PDF plan on page 90, uh, I dunno if it's worth

1444
01:24:29.175 --> 01:24:30.815
bringing that up on the screen, um,

1445
01:24:31.555 --> 01:24:32.895
is not particularly clear.

1446
01:24:33.275 --> 01:24:37.135
So as to what you're actually

1447
01:24:38.645 --> 01:24:40.695
looking to do on that particular plot.

1448
01:24:41.635 --> 01:24:45.335
So if, would it be possible to bring that plan up

1449
01:24:45.395 --> 01:24:49.215
and for you to just give us a quick run through of what

1450
01:24:49.975 --> 01:24:52.615
actually is happening on that plot, which requires the

1451
01:24:54.115 --> 01:24:55.435
freehold acquisition of it?

1452
01:24:57.565 --> 01:25:01.545
So it's PDF page 90 in the biodiversity net

1453
01:25:01.545 --> 01:25:02.785
gain assessment report.

1454
01:25:28.045 --> 01:25:31.905
It is PDF page 90, so not, not actual page 90.

1455
01:25:32.225 --> 01:25:35.225
'cause the page numbering isn't, consis isn't

1456
01:25:35.995 --> 01:25:37.185
consistent throughout.

1457
01:25:38.425 --> 01:25:43.125

I don't think that's the one.

1458

01:25:46.885 --> 01:25:48.865

So are you able to Yes.

1459

01:25:53.195 --> 01:25:56.215

So if we can see that plan with the key on the one page.

1460

01:26:02.275 --> 01:26:06.875

So for example, the pink,

1461

01:26:07.255 --> 01:26:10.395

the pink land is not, uh, what's the pink land?

1462

01:26:10.515 --> 01:26:12.955

'cause the pink land doesn't seem to appear in the key.

1463

01:26:18.395 --> 01:26:21.755

Ian cuts to the applicant. I, I believe so that the, um,

1464

01:26:22.105 --> 01:26:25.915

that the, the pink land would be the extent of land required

1465

01:26:26.135 --> 01:26:30.955

for, uh, the ditches to be, um, constructed,

1466

01:26:31.495 --> 01:26:35.755

um, in relation to, uh, the mi mitigation of, of,

1467

01:26:35.855 --> 01:26:37.715

um, of, of habitat.

1468

01:26:39.595 --> 01:26:43.855

Okay. So in terms of the larger extent, the blue,

1469

01:26:44.235 --> 01:26:46.295

so it says ecological mitigation area,

1470

01:26:46.405 --> 01:26:49.035

what particularly would be going on in

1471

01:26:49.035 --> 01:26:50.555
that, on that plot of land

1472

01:26:56.605 --> 01:26:59.745
In cuts for the applicant in relation to the,

1473

01:26:59.965 --> 01:27:00.985
the rest of that plot?

1474

01:27:00.985 --> 01:27:03.625
So you've got the various activities including the

1475

01:27:03.825 --> 01:27:08.105
construction of the, of the outfall, um, the, the,

1476

01:27:08.245 --> 01:27:11.385
the compound that's necessary for that, uh, the installation

1477

01:27:11.385 --> 01:27:15.285
of the, of the final effluent and storm flow pipelines.

1478

01:27:15.945 --> 01:27:18.925
Uh, and, and that is, those things are all

1479

01:27:18.925 --> 01:27:21.525
to happen in the yeah, blue area. Mm-Hmm.

1480

01:27:21.665 --> 01:27:25.005
But in terms of the necessity to compulsory acquire

1481

01:27:25.005 --> 01:27:27.125
that land, that's purely

1482

01:27:27.185 --> 01:27:29.925
for the biodiversity net gain reason as I understand it.

1483

01:27:30.765 --> 01:27:31.725
'cause you could do all those things

1484

01:27:32.115 --> 01:27:34.815

with temporary possessional rights.

1485

01:27:35.035 --> 01:27:39.015

But in terms of biodiversity net gain, that's the purpose

1486

01:27:39.155 --> 01:27:42.535

of you compulsory acquiring plot 0 21 B

1487

01:27:43.115 --> 01:27:44.255

as far as I understand it.

1488

01:27:46.025 --> 01:27:49.085

So are you, do you need the whole of that plot in order

1489

01:27:49.105 --> 01:27:53.125

to deliver your 20% biodiversity net gain?

1490

01:27:54.485 --> 01:27:57.505

And if that's the case, what, what is actually happening on

1491

01:27:57.505 --> 01:28:00.065

that plot in terms of providing

1492

01:28:00.145 --> 01:28:01.825

that 20% biodiversity net gain,

1493

01:28:03.705 --> 01:28:05.285

Um, Ian cuts to the applicant?

1494

01:28:05.875 --> 01:28:08.405

Just to clarify sir, do do you mean the whole of the,

1495

01:28:08.545 --> 01:28:11.525

of 21 B or, or the blue or the pink?

1496

01:28:12.315 --> 01:28:14.725

Well, I think that that,

1497

01:28:14.875 --> 01:28:17.765

that the land shaded there is largely plot 21 B.

1498

01:28:20.305 --> 01:28:21.365

So yes, the whole plot

1499

01:28:23.015 --> 01:28:24.205

Being cuts for the applicant.

1500

01:28:24.265 --> 01:28:26.045

So as, as I described really sir

1501

01:28:26.705 --> 01:28:31.045

before the various activities that need to happen in 21 B,

1502

01:28:31.585 --> 01:28:34.045

um, the, the exact location

1503

01:28:34.045 --> 01:28:37.525

of those activities is not known at the moment.

1504

01:28:38.345 --> 01:28:39.445

Um, and

1505

01:28:39.915 --> 01:28:44.685

therefore, uh, the applicant needs the flexibility

1506

01:28:45.185 --> 01:28:49.685

of, of being able to use, um, compulsory acquisition powers

1507

01:28:49.685 --> 01:28:51.245

to acquire the freehold at the moment.

1508

01:28:51.985 --> 01:28:55.925

We will, of course, um, uh, aim to be,

1509

01:28:56.105 --> 01:28:59.325

to use proportionality, um, for the acquisition and,

1510

01:28:59.705 --> 01:29:01.685

and the use of temporary possession powers as as,

1511

01:29:01.745 --> 01:29:04.565

as you pointed out, wherever it's, it's, it's possible.

1512

01:29:04.585 --> 01:29:09.085

But the, the fact remains that at the moment, um,

1513

01:29:09.465 --> 01:29:10.965

the applicant needs that flexibility

1514

01:29:12.725 --> 01:29:17.055

In terms of the biodiverse net gain delivery, do you mean,

1515

01:29:17.055 --> 01:29:19.535

because as I understand it, the only reason you need

1516

01:29:19.535 --> 01:29:24.295

to compose require is to manage that as a biodiversity

1517

01:29:24.355 --> 01:29:27.095

or ecological resource into the future.

1518

01:29:28.235 --> 01:29:32.585

So do you, I suppose the question is, is all

1519

01:29:32.585 --> 01:29:34.865

that land required in order for you to meet your

1520

01:29:35.765 --> 01:29:38.225

20% biodiversity net gain target

1521

01:29:39.825 --> 01:29:41.005

In cuts to the applicant?

1522

01:29:41.225 --> 01:29:45.365

Uh, we, we don't require the whole of that of 21 B

1523

01:29:46.125 --> 01:29:47.285

specifically for BNG.

1524

01:29:47.575 --> 01:29:50.525

There are the other activities that go on, uh, some

1525

01:29:50.525 --> 01:29:52.925
of which require freehold acquisition, um,

1526

01:29:52.925 --> 01:29:55.165
particularly in relation to the outfall structure.

1527

01:29:55.825 --> 01:29:59.085
Um, but uh, we don't require the whole of the plot

1528

01:29:59.265 --> 01:30:01.365
for, for the BNG.

1529

01:30:03.435 --> 01:30:08.005
Okay. But the outfall structure is in, is not in plot 21 B

1530

01:30:08.145 --> 01:30:09.885
as far as I understand it, it's on the plot

1531

01:30:11.225 --> 01:30:12.525
closer to the river.

1532

01:30:15.505 --> 01:30:16.765
Uh, Ian cuts the applicant.

1533

01:30:16.985 --> 01:30:18.725
It actually, you're quite right.

1534

01:30:18.985 --> 01:30:23.045
So it, it is in, in 19 A,

1535

01:30:23.065 --> 01:30:25.805
but it is partly in 21 B as well.

1536

01:30:28.495 --> 01:30:30.465
Okay. So at what stage would you know whether

1537

01:30:31.165 --> 01:30:33.905
you require the whole of plot 2 21 B

1538

01:30:34.205 --> 01:30:35.505

to be compulsory required

1539

01:30:36.485 --> 01:30:37.905

or is that something that happens after?

1540

01:30:39.045 --> 01:30:40.425

If the DCO is made

1541

01:30:43.575 --> 01:30:45.855

Ian co the applicant, it is, uh,

1542

01:30:45.865 --> 01:30:48.375

after the DCO is, is, is made, um,

1543

01:30:48.375 --> 01:30:51.375

because we do need to carry out those further investigations

1544

01:30:51.955 --> 01:30:54.455

before we know the, the precise amount

1545

01:30:54.455 --> 01:30:55.615

of land required permanently.

1546

01:30:56.595 --> 01:30:58.485

Okay. Yes. Ms. Cotten,

1547

01:30:59.865 --> 01:31:02.445

Uh, speaking on behalf of the, uh, tenant farmers,

1548

01:31:02.665 --> 01:31:04.405

I'd just like to comment on, uh, Mr.

1549

01:31:04.615 --> 01:31:06.965

Cut's, uh, a referral to, uh, the,

1550

01:31:07.065 --> 01:31:10.085

the field being left fallow as a reflection of the demise

1551

01:31:10.625 --> 01:31:11.845

of the tenancy of the farm.

1552

01:31:11.865 --> 01:31:13.725

The farmers have been farming, it's been in the family

1553

01:31:13.745 --> 01:31:17.645

for over a hundred years and they are actively, uh,

1554

01:31:17.995 --> 01:31:20.125

engaged in encouraging wildlife.

1555

01:31:20.195 --> 01:31:22.725

It's being deliberately left, uh, to go fallow.

1556

01:31:22.725 --> 01:31:26.125

So in terms of, uh, BNG, I don't think there would be any

1557

01:31:26.125 --> 01:31:27.925

because this is in fact the very aim

1558

01:31:27.945 --> 01:31:29.285

of the farmers with that field.

1559

01:31:34.765 --> 01:31:36.815

Okay, thank you. But currently it's not being,

1560

01:31:37.045 --> 01:31:39.655

it's not in productive farmers?

1561

01:31:39.685 --> 01:31:40.695

Well, farming use, well,

1562

01:31:40.695 --> 01:31:43.695

It depends on your definitely productive in terms of, uh,

1563

01:31:43.925 --> 01:31:45.775

it's, uh, ecological, uh,

1564

01:31:46.175 --> 01:31:47.175

Benefits definitely. Okay. In terms

1565

01:31:47.175 --> 01:31:48.255

of like financial,

1566

01:31:49.005 --> 01:31:51.815

Well, I'm afraid I'm not in position to comment,

1567

01:31:51.835 --> 01:31:55.575

but I think in terms of, I think they can be financial gains

1568

01:31:55.575 --> 01:31:58.775

from doing right by the, uh, environment, um, which

1569

01:31:58.775 --> 01:31:59.775

Is fantastic.

1570

01:32:00.925 --> 01:32:03.255

Okay, thank you. Um, I can see one hand raised.

1571

01:32:04.115 --> 01:32:07.535

Um, it's Rebecca, I can't see Rebecca Sharp.

1572

01:32:08.965 --> 01:32:12.905

Hi. Thank you. Um, Rebecca Sharp, uh, Bidwells on behalf

1573

01:32:12.925 --> 01:32:14.425

of Golin Keys, um,

1574

01:32:15.205 --> 01:32:18.365

to comment back on Ian cuts remarks

1575

01:32:18.365 --> 01:32:20.845

and also to support what Liz just said

1576

01:32:20.845 --> 01:32:23.965

regarding the cultivation of that land, um, Liz is correct,

1577

01:32:24.705 --> 01:32:27.925

um, that it does form part of the farm demise.

1578

01:32:28.265 --> 01:32:33.045

Um, so is the landlord of, of that area, uh, the, the,

1579
01:32:33.265 --> 01:32:35.805
the land whilst not cultivated does

1580
01:32:35.805 --> 01:32:37.165
have ecological benefits.

1581
01:32:37.745 --> 01:32:40.725
Um, and should the tenants so wish to,

1582
01:32:40.725 --> 01:32:42.285
they would be eligible to apply

1583
01:32:42.345 --> 01:32:45.845
for various government subsidies to support, uh,

1584
01:32:45.905 --> 01:32:48.965
the land in use for ecological purposes.

1585
01:32:49.705 --> 01:32:52.925
Um, regarding the plan on the screen,

1586
01:32:53.225 --> 01:32:57.045
the area shaded pink, um, it is correct that some

1587
01:32:57.045 --> 01:33:00.285
of those have been put in the application for mitigation.

1588
01:33:00.865 --> 01:33:04.685
Um, we've referred to the exact measurements, um,

1589
01:33:04.785 --> 01:33:07.885
of the split between mitigation and, um,

1590
01:33:08.825 --> 01:33:10.365
and the additional length

1591
01:33:10.365 --> 01:33:13.285
of ditches which have been included in the application

1592
01:33:13.425 --> 01:33:17.045

for BNG purposes within our part two,

1593

01:33:17.785 --> 01:33:19.485

um, response comments.

1594

01:33:19.825 --> 01:33:23.285

Um, so they are rep 3 0 6 4, um,

1595

01:33:23.305 --> 01:33:25.405

and they go into further detail on those.

1596

01:33:25.905 --> 01:33:30.765

Um, regarding the land shaded blue on the um,

1597

01:33:31.305 --> 01:33:35.145

screen, we understand that there are outflow pipes,

1598

01:33:35.145 --> 01:33:37.545

so three outflow pipes leading to the outflow structure

1599

01:33:37.545 --> 01:33:39.705

that would be going through that area.

1600

01:33:40.165 --> 01:33:43.025

Um, our understanding has always been that that could be,

1601

01:33:43.365 --> 01:33:45.105

um, agreed as part of an easement.

1602

01:33:45.605 --> 01:33:48.145

Um, in a similar way to other pipe works

1603

01:33:48.375 --> 01:33:51.465

that we have been in negotiations on, um,

1604

01:33:51.655 --> 01:33:53.465

affecting the rest of the farm.

1605

01:33:53.745 --> 01:33:56.145

IE that area of the farm of, of

1606

01:33:56.325 --> 01:34:00.665

of plot 0 2 1 B doesn't need to be, um, acquired,

1607

01:34:01.045 --> 01:34:02.905

uh, by freehold.

1608

01:34:02.905 --> 01:34:04.065

It could be done by easement.

1609

01:34:04.605 --> 01:34:06.465

Um, and as Ian referenced,

1610

01:34:06.485 --> 01:34:09.305

the outflow structure would be closer to the river, um,

1611

01:34:09.605 --> 01:34:12.745

within the, um, I think it's, uh,

1612

01:34:13.985 --> 01:34:15.745

1919 A.

1613

01:34:16.365 --> 01:34:19.705

Um, and what we've asked for is clarification, um,

1614

01:34:19.855 --> 01:34:21.665

that those two can be split.

1615

01:34:21.965 --> 01:34:25.345

Um, what we haven't heard, um, is a compelling argument

1616

01:34:25.565 --> 01:34:29.025

for the full freehold acquisition of that full

1617

01:34:29.535 --> 01:34:31.145

plot 0 2 1 B.

1618

01:34:35.195 --> 01:34:37.365

Okay, thank you. Would the applicant like to come back on

1619

01:34:37.365 --> 01:34:39.525

that briefly before we take a break?

1620

01:34:44.615 --> 01:34:47.635

So Michelle Moss for the applicant, um,

1621

01:34:49.455 --> 01:34:54.155

the inclusion of plot 21 B as pink clan

1622

01:34:54.175 --> 01:34:57.565

for freehold acquisition is, is is part of the flexible

1623

01:34:57.565 --> 01:34:58.725

and the parameters approach.

1624

01:34:59.505 --> 01:35:02.725

It is not the expectation that the entirety of

1625

01:35:02.725 --> 01:35:04.525

that parcel will need to be acquired.

1626

01:35:05.625 --> 01:35:10.125

It is entirely the case that the final effluent pipelines

1627

01:35:11.345 --> 01:35:13.745

intended to be used through new rights

1628

01:35:13.745 --> 01:35:16.185

and restrictive covenants through Article 28.

1629

01:35:17.255 --> 01:35:21.625

What Mr. Cutz explained is the inability at this stage

1630

01:35:21.625 --> 01:35:26.025

for the applicant to precisely divide up that parcel

1631

01:35:26.805 --> 01:35:28.945

to show exactly where these infrastructure

1632

01:35:29.485 --> 01:35:31.905

and different mitigation elements will go.

1633

01:35:32.805 --> 01:35:36.345

It can be seen from the, the plan which is on the screen.

1634

01:35:36.535 --> 01:35:39.545

It's an indicative alignment and

1635

01:35:39.575 --> 01:35:44.145

therefore there remains the need for the applicant to have

1636

01:35:44.145 --> 01:35:47.745

that flexibility to acquire so much of

1637

01:35:47.745 --> 01:35:49.545

that plot as is required.

1638

01:35:50.125 --> 01:35:53.305

But it is absolutely not the applicant's intention

1639

01:35:53.885 --> 01:35:57.625

to acquire the entire field to seek

1640

01:35:57.725 --> 01:36:01.585

to parcel it up in the way, which is,

1641

01:36:02.435 --> 01:36:06.585

which we understand the landowners, the tenants would like

1642

01:36:06.585 --> 01:36:08.185

to have that certainty now is,

1643

01:36:08.245 --> 01:36:10.225

is not possible at this stage.

1644

01:36:11.785 --> 01:36:14.115

Okay. We just got the hand up again from

1645

01:36:16.415 --> 01:36:17.715

Ms. Sharp, I think.

1646

01:36:18.615 --> 01:36:20.955

Thanks Rebecca. Sharp on behalf of Go Keys.

1647

01:36:21.215 --> 01:36:24.235

Um, my, I've got, I've just got a question on that.

1648

01:36:24.455 --> 01:36:26.955

If, if the need

1649

01:36:27.015 --> 01:36:29.555

for certainty over the areas is held up

1650

01:36:29.555 --> 01:36:31.715

by a topographical survey,

1651

01:36:32.315 --> 01:36:35.115

I don't believe we've been approached to, to request that

1652

01:36:35.455 --> 01:36:37.515

to be undertaken, and I would just query why

1653

01:36:37.515 --> 01:36:40.275

that hasn't been done, um, as part of the planning process

1654

01:36:41.255 --> 01:36:42.395

for putting in the DCO.

1655

01:36:43.345 --> 01:36:46.675

Okay, fine. Um, and, and in terms of

1656

01:36:50.335 --> 01:36:52.575

Michelle Moss for the applicant, my understanding is

1657

01:36:52.575 --> 01:36:54.615

that those survey surveys are commonly

1658

01:36:54.615 --> 01:36:56.735

undertaken pre-construction.

1659

01:36:56.805 --> 01:37:00.335

It's not something which would ordinarily be done at this

1660

01:37:00.335 --> 01:37:03.655

stage, but the applicant absolutely would be doing

1661

01:37:03.675 --> 01:37:06.535

so in liaison with, with the relevant landowner

1662

01:37:06.555 --> 01:37:08.095

and the tenant to the appropriate time.

1663

01:37:09.895 --> 01:37:13.625

Okay, thank you. Um, Mr. Broski, you have a question?

1664

01:37:13.895 --> 01:37:15.545

Just a point, excuse me, a point

1665

01:37:15.545 --> 01:37:18.145

of clarification if I may, um, with some comments that Mr.

1666

01:37:18.175 --> 01:37:20.905

Kurt said earlier. Now the plan that we've got on screen,

1667

01:37:21.205 --> 01:37:22.985

I'm just conscious we're talking about colors on plans

1668

01:37:23.005 --> 01:37:24.465

and we've got two very different

1669

01:37:24.465 --> 01:37:25.505

things that we're looking at here.

1670

01:37:25.965 --> 01:37:28.305

The plan that we've got on screen, um,

1671

01:37:28.305 --> 01:37:30.785

there's obviously the blue area and Mr.

1672

01:37:31.065 --> 01:37:34.225

Kuchi mentioned about construction areas, um, of the site,

1673

01:37:34.565 --> 01:37:35.865

um, which needs to be used

1674

01:37:35.865 --> 01:37:38.865

and that this will not be used for ecological communication.

1675

01:37:39.425 --> 01:37:41.265

I just wanted to be completely clear.

1676

01:37:41.325 --> 01:37:43.065

The, the map that we're showing on screen now

1677

01:37:43.065 --> 01:37:46.425

and the blue area that's identified, are you saying that

1678

01:37:46.425 --> 01:37:48.625

that wouldn't be used for BNG

1679

01:37:48.625 --> 01:37:51.905

or it would be in terms of ecological mitigation?

1680

01:37:52.205 --> 01:37:54.825

Um, can you just clarify that point please?

1681

01:37:56.775 --> 01:37:58.045

Being cuts for the applicant?

1682

01:37:58.185 --> 01:38:03.005

Uh, this one, I, I, I can, um, it's, uh, it,

1683

01:38:03.005 --> 01:38:05.725

it's an important point I think that Mrs. Moss made

1684

01:38:05.725 --> 01:38:08.805

that these things are indicative at this point in time

1685

01:38:09.385 --> 01:38:11.565

and, um, at, at the moment, um,

1686

01:38:12.145 --> 01:38:15.165

the plan on the screen shows, uh, indicatively

1687

01:38:15.165 --> 01:38:18.845

where we believe the BNG element is best located based on

1688

01:38:18.845 --> 01:38:21.565

the information that we have to hand at the moment.

1689

01:38:22.025 --> 01:38:24.965

The further surveys might require that to change.

1690

01:38:26.005 --> 01:38:27.825

We won't know until that point in time,

1691

01:38:27.845 --> 01:38:32.305

but we believe, um, at this moment in time that indicatively

1692

01:38:32.305 --> 01:38:34.265

that is the best location for the BNG.

1693

01:38:35.495 --> 01:38:37.745

Okay. And all, just to clarify again, the purpose

1694

01:38:37.845 --> 01:38:40.505

of you needing to compulsory acquire it is

1695

01:38:40.505 --> 01:38:41.505

because of the BNG,

1696

01:38:41.505 --> 01:38:45.345

because you need to, you need to manage it over

1697

01:38:46.765 --> 01:38:47.865

say 30 year period.

1698

01:38:48.725 --> 01:38:50.105

That's the reason why you need the

1699

01:38:50.635 --> 01:38:52.025

compulsory acquisition rights.

1700

01:38:52.245 --> 01:38:53.245

Is that correct?

1701

01:38:54.505 --> 01:38:57.565

So Michelle Moss for the applicant, I, I would clarify

1702

01:38:58.505 --> 01:39:01.525

the purpose is not solely BNG.

1703

01:39:02.265 --> 01:39:04.445

Um, this is ecological mitigation.

1704

01:39:05.185 --> 01:39:08.365

Uh, and whilst there are some elements

1705

01:39:08.365 --> 01:39:10.525

of those ditches which are shown on the diagram

1706

01:39:11.175 --> 01:39:14.365

which relates to river units and b

1707

01:39:14.365 --> 01:39:18.845

and g, the fundamental requirement, uh, to,

1708

01:39:18.985 --> 01:39:22.125

for ecological mitigation in this area comes

1709

01:39:22.125 --> 01:39:25.445

through the need to, uh, create mitigation

1710

01:39:25.905 --> 01:39:28.765

for water wall habitat and read bed.

1711

01:39:28.875 --> 01:39:33.165

Okay. And the, which is, which is different in a sense to,

1712

01:39:33.305 --> 01:39:37.525

to BNG, albeit yes, it contributes towards overall targets,

1713

01:39:37.525 --> 01:39:41.045

but there is a fundamental mitigation. Okay,

1714
01:39:41.045 --> 01:39:43.005
But it's for ecology purposes rather,

1715
01:39:43.005 --> 01:39:45.965
rather than the infrastructure of Yes.

1716
01:39:45.965 --> 01:39:47.925
Your development

1717
01:39:48.625 --> 01:39:50.125
So that, that rather Than pipelines

1718
01:39:50.145 --> 01:39:54.485
and outfalls, et cetera, the reason for 21 B is to manage it

1719
01:39:54.485 --> 01:39:56.485
as an ecological resource,

1720
01:39:57.315 --> 01:39:59.405
Principally say for that part, sir.

1721
01:39:59.465 --> 01:40:01.805
If where you draw the line between

1722
01:40:01.805 --> 01:40:05.365
where the outfall is on 19 A and and protrude so far.

1723
01:40:05.365 --> 01:40:08.245
Okay. So, so, but it's as, as Mr.

1724
01:40:08.335 --> 01:40:12.205
Kurtz explained, when we considering that plan in isolation,

1725
01:40:13.105 --> 01:40:15.525
if were you to overlay that with the works plans,

1726
01:40:15.585 --> 01:40:17.045
for example, sir, and see

1727
01:40:17.265 --> 01:40:20.925

how the final effluent pipeline is, is cutting, it's likely

1728

01:40:20.925 --> 01:40:23.405

to cut across diagonally has to get to the outfall,

1729

01:40:23.585 --> 01:40:26.405

the significant construction works,

1730

01:40:26.405 --> 01:40:27.885

which will be needed in that area.

1731

01:40:28.355 --> 01:40:32.725

That all goes towards why it is not possible at present

1732

01:40:33.225 --> 01:40:36.565

to divide that parcel up into anything.

1733

01:40:36.945 --> 01:40:40.765

Uh, that, that is not solely freehold to do so would

1734

01:40:41.385 --> 01:40:43.485

unduly constrained the ability

1735

01:40:43.585 --> 01:40:45.085

to deliver the proposed development.

1736

01:40:47.195 --> 01:40:49.805

Okay. Thank you for that. Um, I'm conscious of the time.

1737

01:40:50.025 --> 01:40:52.925

Uh, it's 1240 I think we'll adjourn,

1738

01:40:53.225 --> 01:40:55.525

um, for lunch.

1739

01:40:56.045 --> 01:40:58.485

I think if we could come back at

1740

01:41:00.035 --> 01:41:02.785

one 30, I think.

1741

01:41:02.785 --> 01:41:06.155

Does that suit everybody? Yep. Okay.

1742

01:41:06.175 --> 01:41:08.395

In that case, um, the hearing is, is adjourned

1743

01:41:08.395 --> 01:41:09.955

until half past one.

1744

01:41:09.965 --> 01:41:10.395

Thank you.