

WEBVTT – This file was automatically generated by event.video

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00:00:02.825 --> 00:00:05.445

It is 10 past three and the hearing is resumed.

1

00:00:07.165 --> 00:00:10.745

Um, so agenda item five was, uh, update on negotiations

2

00:00:10.745 --> 00:00:14.185

with statutory undertakers, timeline for completions

3

00:00:14.405 --> 00:00:16.625

and implications of agreements not completed

4

00:00:16.625 --> 00:00:18.105

before the end of the examination.

5

00:00:18.845 --> 00:00:21.545

Uh, could the applicant please summarize any outstanding

6

00:00:21.545 --> 00:00:26.385

matters arising from representations by statute undertakers,

7

00:00:26.385 --> 00:00:27.945

including Cambridge County Council,

8

00:00:29.105 --> 00:00:32.105

national Highways Limited, Cadent Gas Limited,

9

00:00:32.545 --> 00:00:36.105

although we had a, some correspondence this morning,

10

00:00:36.315 --> 00:00:37.705

which has been published, saying that they,

11

00:00:39.005 --> 00:00:42.865

we understand they're satisfied with matters, um,

12

00:00:44.415 --> 00:00:46.785

conservatives, conservatives of the River Cam

13

00:00:47.005 --> 00:00:49.865

and Net Network Rail Infrastructure Limited,

14

00:00:51.165 --> 00:00:53.665

and also SkyTel Communications City five

15

00:00:53.805 --> 00:00:58.215

and Archiva Limited, um,

16

00:00:58.215 --> 00:01:01.255

and any impediments in reaching agreements with them please.

17

00:01:04.215 --> 00:01:08.055

So, Michelle Moss for the applicant in, in relation

18

00:01:08.055 --> 00:01:10.455

to the majority of those statutory undertakers, there are

19

00:01:10.995 --> 00:01:12.415

two parts to the question.

20

00:01:12.435 --> 00:01:13.855

One, in relation to negotiation

21

00:01:13.855 --> 00:01:15.855

with any land interests that may be required.

22

00:01:16.435 --> 00:01:19.975

And then secondly, in relation to progress with, uh,

23

00:01:19.975 --> 00:01:22.215

protective provisions, uh, Mr.

24

00:01:22.325 --> 00:01:24.215

McDermott will deal with the land update

25

00:01:24.435 --> 00:01:27.455

and my colleague Kate Radford at the end will deal

26

00:01:27.455 --> 00:01:29.015

with the protective provisions.

27

00:01:29.035 --> 00:01:31.975

So I assume you would prefer to go through entity

28

00:01:31.975 --> 00:01:34.655

by entity rather than land update and protective provisions?

29

00:01:34.675 --> 00:01:39.615

Yes. So, uh, if we start with, uh, CRE County Council,

30

00:01:46.065 --> 00:01:47.485

Uh, Kate Redford for the applicant.

31

00:01:47.905 --> 00:01:50.685

Um, sir, so in relation to the local Highway Authority,

32

00:01:50.685 --> 00:01:51.885

Cambridge County Council,

33

00:01:52.345 --> 00:01:53.725

we sent amended protective provisions

34

00:01:53.725 --> 00:01:56.925

to them on the 10th of November, and these are under review.

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00:01:57.865 --> 00:02:01.565

Um, these effectively transpose the precedent section 2 7 8

36

00:02:01.565 --> 00:02:03.485

wording into the form of protective provisions,

37

00:02:03.485 --> 00:02:05.805

which was done at the request of the county council,

38

00:02:06.345 --> 00:02:07.725

and we await their comments on that.

39

00:02:13.205 --> 00:02:14.545

So Michelle Moss for the applicant,

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00:02:14.545 --> 00:02:16.465
and just to confirm that insofar as the

41

00:02:17.355 --> 00:02:19.665
local highways authority is concerned

42

00:02:19.665 --> 00:02:21.585
as a statutory undertaker, there isn't any

43

00:02:22.215 --> 00:02:24.065
land being acquired from them.

44

00:02:24.085 --> 00:02:27.305
As we discussed this morning, um, the,

45

00:02:27.685 --> 00:02:31.705
the next entity in the list, sir, was National Highways.

46

00:02:31.965 --> 00:02:33.105
So if I could ask Mr.

47

00:02:33.135 --> 00:02:36.345
McDermott to, uh, update in relation

48

00:02:36.345 --> 00:02:37.705
to land negotiations on that.

49

00:02:40.335 --> 00:02:43.505
Good afternoon. Uh, Kurt Mcid on behalf of the applicant.

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00:02:44.365 --> 00:02:48.505
Um, I think it's fair to say that our discussions in respect

51

00:02:48.505 --> 00:02:51.665
to the land aspects with National Highways are, uh,

52

00:02:51.675 --> 00:02:53.145
early on in those discussions.

53

00:02:53.965 --> 00:02:58.715

Um, we are in communication now with their estates team

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00:02:59.585 --> 00:03:01.565

and we are very hopeful

55

00:03:01.635 --> 00:03:05.565

that those discussions will result in, um,

56

00:03:05.635 --> 00:03:08.085

some meaningful conversations over the coming weeks

57

00:03:09.105 --> 00:03:10.845

and we'll result in an agreement with them.

58

00:03:13.645 --> 00:03:15.615

Okay, thank you. I think we'll run through the list

59

00:03:15.615 --> 00:03:18.895

and then we'll come back and I've got some questions

60

00:03:19.015 --> 00:03:22.295

and we can bring in the statutory parties then

61

00:03:22.435 --> 00:03:23.455

if that's, yeah.

62

00:03:24.025 --> 00:03:25.025

Thank you.

63

00:03:30.855 --> 00:03:32.635

Uh, in terms of the protective provisions, Kate Rediff

64

00:03:32.635 --> 00:03:34.435

of the applicant, uh, we're in active discussions

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00:03:34.435 --> 00:03:36.195

with National Highways, um,

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00:03:36.415 --> 00:03:38.275

and we've agreed that we're going to try

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00:03:38.275 --> 00:03:39.635
and work towards having a set

68

00:03:39.755 --> 00:03:42.115
of updated provisions in the next, uh, the DCO

69

00:03:42.115 --> 00:03:43.315
to be submitted at deadline five.

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00:03:43.655 --> 00:03:44.955
At least that's, that's the intention.

71

00:03:50.265 --> 00:03:54.995
Okay. So

72

00:03:55.195 --> 00:03:57.715
Michelle Moss for the applicant, I believe cadence were next

73

00:03:57.775 --> 00:04:01.915
on the list, uh, in, in that respect.

74

00:04:02.615 --> 00:04:07.415
Um, the, the late I, I'm about

75

00:04:07.415 --> 00:04:08.655
to speak for my colleague here,

76

00:04:08.655 --> 00:04:11.615
however, those provisions are, uh, uh, agreed

77

00:04:11.955 --> 00:04:14.055
and, uh, will be included in the next,

78

00:04:14.605 --> 00:04:16.175
next updated draft order eight.

79

00:04:16.275 --> 00:04:18.695
So just, just to check, um, so I think it was,

80

00:04:19.775 --> 00:04:21.135

I think they said eight four C,

81

00:04:21.135 --> 00:04:24.255

but I think it was actually nine four C the, um,

82

00:04:25.645 --> 00:04:27.055

provision that they wanted

83

00:04:30.305 --> 00:04:34.605

the 42 take, 42 days submission information removed.

84

00:04:34.625 --> 00:04:36.645

So is that what you've, you are proposing now?

85

00:04:38.375 --> 00:04:41.115

So Michelle must, it's it's the deemed approval Yeah.

86

00:04:41.115 --> 00:04:42.595

Provision in relation to protective work.

87

00:04:42.615 --> 00:04:45.875

So there may just be a, a, a need to, we'll, we'll,

88

00:04:45.875 --> 00:04:48.475

we'll put their final agreed version in at the next stage,

89

00:04:48.475 --> 00:04:50.035

but the parties are agreed on the position.

90

00:04:50.465 --> 00:04:52.955

Okay, thank you. And if, would you be able to liaise

91

00:04:52.955 --> 00:04:55.395

with Cadence and maybe get them to submit, um,

92

00:04:55.505 --> 00:05:00.155

like withdrawal of their objections, like formal if,

93

00:05:00.175 --> 00:05:03.435

if they're in agreement with the protected provisions?

94

00:05:04.595 --> 00:05:06.575

Uh, so yes, we can liaise with him on that.

95

00:05:07.105 --> 00:05:07.575

Thank you.

96

00:05:12.095 --> 00:05:14.115

So I believe the next on the list was the

97

00:05:14.535 --> 00:05:16.395

can conservators.

98

00:05:16.975 --> 00:05:21.155

Uh, if I'll ask my colleague Kate Radford first to update

99

00:05:21.975 --> 00:05:24.675

in terms of the protective provisions aspect

100

00:05:24.735 --> 00:05:26.315

of discussions with them.

101

00:05:27.685 --> 00:05:28.745

Uh, Kate Radford, sir,

102

00:05:28.805 --> 00:05:31.025

we send amended protective provisions, uh,

103

00:05:31.025 --> 00:05:32.785

to the conservators on the 29th of December.

104

00:05:33.525 --> 00:05:35.185

Uh, we have a meeting with them on the

105

00:05:35.625 --> 00:05:37.425

18th of January, so that's next week.

106

00:05:37.765 --> 00:05:41.265

Um, with a view to just closing out any issues

107

00:05:41.265 --> 00:05:42.465

between us as much as we can.

108

00:05:52.435 --> 00:05:54.135

Uh, Kurt McDot on behalf of the applicant.

109

00:05:54.515 --> 00:05:58.765

Um, in respect to the land aspects here, the, uh,

110

00:05:58.765 --> 00:06:01.685

conservators, um, would like to see a resolution

111

00:06:01.685 --> 00:06:02.725

of the protected provisions

112

00:06:02.745 --> 00:06:04.845

and an agreement of that prior

113

00:06:04.865 --> 00:06:06.805

to commencing discussions on the land,

114

00:06:07.425 --> 00:06:10.285

but we have sent them to terms with the, uh, rights

115

00:06:10.285 --> 00:06:14.445

that we require from them and, um, we remain ready

116

00:06:14.445 --> 00:06:15.525

and willing to engage.

117

00:06:21.325 --> 00:06:25.385

Uh, I believe Network Rail was left next on the list.

118

00:06:25.845 --> 00:06:29.185

Um, Kirk, would you like to update on the landside first

119

00:06:31.215 --> 00:06:32.665

Kurt McDo on behalf of the applicant?

120

00:06:32.965 --> 00:06:34.825

Uh, I think the position in respect

121

00:06:34.825 --> 00:06:37.225

to Network rail is much the same as National Highways.

122

00:06:37.725 --> 00:06:39.905

Um, there's been a great deal of work undertaken

123

00:06:40.565 --> 00:06:43.345

by the teams to deal with statements of common ground

124

00:06:43.405 --> 00:06:44.505

and protective provisions

125

00:06:44.765 --> 00:06:48.845

and, um, their estates teams are now beginning to engage

126

00:06:48.845 --> 00:06:50.965

with us to deal with the land aspects.

127

00:06:57.665 --> 00:07:00.965

And so in terms of the, uh, protective provisions, um,

128

00:07:01.135 --> 00:07:03.005

we've recently received amended drafting from them,

129

00:07:03.005 --> 00:07:04.685

which we're reviewing, but, uh,

130

00:07:04.685 --> 00:07:06.405

we've made progress since the last set of hearings

131

00:07:06.405 --> 00:07:07.365

and we're confident that we'll be

132

00:07:07.365 --> 00:07:08.285

able to resolve those issues.

133

00:07:17.925 --> 00:07:19.545

Sir Michelle Moss for the applicant,

134

00:07:20.185 --> 00:07:24.265

I believe the remaining entities, sky City Fiber,

135

00:07:25.335 --> 00:07:27.145

Kiva, if I have pronounced that correctly

136

00:07:27.725 --> 00:07:30.025

or fall under equivalent category of, um,

137

00:07:30.075 --> 00:07:33.785

electronic communications code operators, um,

138

00:07:33.925 --> 00:07:37.785

for which there's no L agreement required, my, um,

139

00:07:38.175 --> 00:07:39.665

colleague will just update as

140

00:07:39.665 --> 00:07:42.025

to whether there's any dispute on protected provisions.

141

00:07:45.045 --> 00:07:47.425

Uh, with regards to the protective provisions, uh, sorry,

142

00:07:47.425 --> 00:07:50.145

it's Kate Redford, sir, we received one comment from Skye,

143

00:07:50.145 --> 00:07:51.785

which we responded to, which sort

144

00:07:51.785 --> 00:07:53.985

of change in the protective provisions, which we, uh,

145

00:07:54.245 --> 00:07:55.385

we did disagree with.

146

00:07:56.045 --> 00:07:58.785

Um, so we submitted a response to that, the last deadline.

147

00:07:58.845 --> 00:08:00.905

Um, I'm not aware of any of the comments in relation

148

00:08:00.905 --> 00:08:01.985
to their protective provisions

149

00:08:01.985 --> 00:08:04.105
for the electronic Communication code networks.

150

00:08:13.865 --> 00:08:17.715
Okay, thanks. Um, with regard to Archiva Limited,

151

00:08:18.165 --> 00:08:21.635
could you just explain why section 1 3 8 4 is engaged in

152

00:08:21.635 --> 00:08:23.155
that situation?

153

00:08:37.885 --> 00:08:39.745
So Michelle Moss for the applicant, we understand

154

00:08:39.745 --> 00:08:43.025
that they have apparatus in Cowley Road, um,

155

00:08:43.025 --> 00:08:46.665
which is proposed for, um, utilities diversions.

156

00:08:46.815 --> 00:08:50.105
Therefore, as with any other undertaker

157

00:08:50.105 --> 00:08:52.905
or electronic communications code, they, uh,

158

00:08:53.175 --> 00:08:54.665
they have necessary protections.

159

00:08:55.065 --> 00:08:57.685
Uh, as far as the applicant's concerned, the works in

160

00:08:57.685 --> 00:09:00.645
that area are business as usual as opposed

161

00:09:00.645 --> 00:09:01.765

to anything extraordinary

162

00:09:15.585 --> 00:09:18.485

Is it, is Arivva, they, their representation was to do

163

00:09:18.485 --> 00:09:22.925

with access along, was it Fen Road,

164

00:09:24.025 --> 00:09:28.515

um, into somewhere

165

00:09:28.515 --> 00:09:29.755

where they have equipment?

166

00:09:30.015 --> 00:09:32.435

Is that right? Is it, are there two different sites?

167

00:09:37.255 --> 00:09:39.455

I think it's plot oh oh three E.

168

00:09:44.385 --> 00:09:46.885

So Michelle Moss for the applicant we're, we're,

169

00:09:46.885 --> 00:09:48.725

we're not entirely clear that the only interest

170

00:09:48.725 --> 00:09:53.205

that we have arivva in the order is against plot 0 0 3 E,

171

00:09:53.735 --> 00:09:58.045

which is a, um, a mast on the existing, um,

172

00:09:58.375 --> 00:10:00.085

waste treatment plant.

173

00:10:00.085 --> 00:10:03.765

Okay. And which will be retained in situ,

174

00:10:14.795 --> 00:10:18.215

The access will be maintained for them to get to that.

175

00:10:19.525 --> 00:10:21.105

So Michelle Moss for the applicant? Yes.

176

00:10:25.415 --> 00:10:27.265

Okay, thank you. Um, if we go back to

177

00:10:29.265 --> 00:10:32.755

Cambridge County Council in that case, um,

178

00:10:37.045 --> 00:10:40.545

so as I understand it, this is to do with

179

00:10:41.855 --> 00:10:43.105

whether the section

180

00:10:43.775 --> 00:10:46.505

effectively two seven eights information is included in the

181

00:10:46.625 --> 00:10:50.025

DCO or is lies outside of the DCO

182

00:10:50.725 --> 00:10:53.735

and, um,

183

00:10:55.075 --> 00:10:59.135

if Cambridge County Council could just provide their view on

184

00:10:59.135 --> 00:11:00.775

that or where, where they are at

185

00:11:00.915 --> 00:11:03.735

and how content they are with negotiations so far.

186

00:11:20.695 --> 00:11:24.595

Cambridge County Council, I dunno,

187

00:11:24.815 --> 00:11:27.475

who from Cambridge County Council would like to speak.

188

00:11:31.875 --> 00:11:36.695

So sir, um, in terms of the way that the, um,

189

00:11:36.885 --> 00:11:40.495

applicant has, has, um, summarized issues?

190

00:11:40.495 --> 00:11:43.855

That's correct. We are in discussion, um, uh, as noted,

191

00:11:43.875 --> 00:11:46.895

but we are happy to answer any questions that you may have.

192

00:11:48.965 --> 00:11:51.695

Yeah, so I suppose, are you, I suppose,

193

00:11:51.885 --> 00:11:53.725

well the question is are you satisfied with

194

00:11:55.155 --> 00:11:58.845

incorporating this into the DCO rather than outside of it,

195

00:11:58.845 --> 00:12:01.565

which seems to be your previous preferred option,

196

00:12:04.465 --> 00:12:05.465

Sir. The, the,

197

00:12:05.465 --> 00:12:08.645

the position has not been agreed yet.

198

00:12:09.825 --> 00:12:13.725

Um, the, the, the, I think, so the, the point

199

00:12:13.725 --> 00:12:17.165

to understand is that the concern the county council has

200

00:12:17.165 --> 00:12:22.005

as highway authority is that there is the potential for, um,

201

00:12:24.205 --> 00:12:28.785

for, uh, not reflecting fully

202

00:12:29.645 --> 00:12:34.305

or being able to apply fully the existing system

203

00:12:34.365 --> 00:12:36.345

as it were under the Highways Act and,

204

00:12:36.445 --> 00:12:40.825

and the 1991 Act, that there may in fact be,

205

00:12:41.645 --> 00:12:43.665

uh, uh, unintended consequences

206

00:12:43.665 --> 00:12:46.825

because the, the county council has at the moment, a, a,

207

00:12:47.305 --> 00:12:51.665

a refined system, uh, where dealing with 1990, um,

208

00:12:52.525 --> 00:12:56.265

ACT planning applications that, um, uh, allows

209

00:12:56.285 --> 00:12:57.665

for the system to be very swift.

210

00:12:58.365 --> 00:13:01.105

And the concern that has been raised

211

00:13:01.105 --> 00:13:05.185

through recent experience with DCOS is that it fact,

212

00:13:06.205 --> 00:13:09.705

it is better to, to use the existing system and

213

00:13:09.705 --> 00:13:12.025

therefore in effect you would be reapplying

214

00:13:12.085 --> 00:13:15.265

or not applying parts of the, the Highway Act and,

215

00:13:15.285 --> 00:13:17.505

and the, the, uh, 1991 act.

216

00:13:17.965 --> 00:13:19.145

So that's the issue.

217

00:13:19.965 --> 00:13:23.305

How that is arrived at, sir, is, is not yet agreed, but,

218

00:13:23.365 --> 00:13:27.065

but I, I think the main thing is that the, the, the,

219

00:13:27.205 --> 00:13:29.585

the applicant and, and the Highway authority wanting

220

00:13:29.885 --> 00:13:32.305

to achieve the same thing, which is to make sure that the,

221

00:13:32.305 --> 00:13:33.985

the, that the process is seamless and,

222

00:13:33.985 --> 00:13:35.105

and doesn't cause delay,

223

00:13:35.365 --> 00:13:37.225

but it's how it's done that,

224

00:13:37.225 --> 00:13:39.345

that we still haven't a, a agreed upon.

225

00:13:39.445 --> 00:13:42.665

So I hope that's, I hope that assists,

226

00:13:43.005 --> 00:13:45.345

but I, we have not yet reached agreement,

227

00:13:45.445 --> 00:13:47.945

so I I can't give you more information

228

00:13:47.945 --> 00:13:48.945

That Okay. So what, what's the, what's

229

00:13:48.945 --> 00:13:49.985
the main things

230

00:13:49.985 --> 00:13:51.305
that you haven't reached agreement on?

231

00:13:52.455 --> 00:13:54.665
Well, well, sir, I, I am, I,

232

00:13:54.905 --> 00:13:56.625
I don't have full instruction on that and,

233

00:13:56.685 --> 00:13:59.825
and I don't think, um, uh, at the moment,

234

00:14:01.045 --> 00:14:02.225
um, well, I can turn to Mr.

235

00:14:02.375 --> 00:14:03.985
Kafa, but I don't think that, that,

236

00:14:05.245 --> 00:14:07.665
that's been fully identified.

237

00:14:08.285 --> 00:14:10.465
So I I'm sorry if I, we can't help more.

238

00:14:10.465 --> 00:14:11.545
I, I'll, I'll just ask Mr.

239

00:14:11.675 --> 00:14:14.785
Kahar, is there any way of, of, of, um,

240

00:14:15.705 --> 00:14:16.945
identifying principle points?

241

00:14:21.855 --> 00:14:23.885
Thank you, uh, David Harford, uh,

242

00:14:23.885 --> 00:14:24.965

chemistry County Council?

243

00:14:25.705 --> 00:14:29.765

Um, yeah, at, at this current moment in time we're we, we,

244

00:14:29.825 --> 00:14:32.445

we did see the changes to the protective provisions.

245

00:14:32.705 --> 00:14:34.885

Uh, we still have issues with jas

246

00:14:35.025 --> 00:14:38.645

and, um, we're, we're in a position to provide, uh, comments

247

00:14:38.745 --> 00:14:43.005

and, and, and to dialogue with, uh, the applicant, um, uh,

248

00:14:43.585 --> 00:14:45.405

uh, over the forthcoming weeks.

249

00:14:46.145 --> 00:14:48.325

So, uh, that's what we'll be seeking to do.

250

00:14:48.985 --> 00:14:51.055

Um, yeah, and,

251

00:14:51.065 --> 00:14:54.875

and, uh, the difficulty at the moment is opposition is that,

252

00:14:54.875 --> 00:14:57.195

that the, even the effort to try

253

00:14:57.195 --> 00:15:00.755

and incorporate Section 2 7 8 into the protective

254

00:15:00.755 --> 00:15:02.395

provisions, uh,

255

00:15:02.455 --> 00:15:04.235

we don't think it is sufficient in the current

256

00:15:04.245 --> 00:15:05.275

draft as it stands.

257

00:15:05.815 --> 00:15:09.835

Um, but, um, we, we we're keen to continue that dialogue

258

00:15:09.835 --> 00:15:13.155

with Anglia Water and to engage with them to, to,

259

00:15:13.335 --> 00:15:14.675

to try and seek a solution.

260

00:15:15.535 --> 00:15:19.995

Um, but, um, that may include us favoring, um,

261

00:15:20.535 --> 00:15:22.995

uh, something like a separate legal side agreement,

262

00:15:23.005 --> 00:15:25.635

which we have applied to other dcos.

263

00:15:28.995 --> 00:15:32.405

Okay. So during en visage reaching agreement by the end

264

00:15:32.405 --> 00:15:34.925

of the examination, do you feel like you're on

265

00:15:34.925 --> 00:15:36.005

track to do that?

266

00:15:38.255 --> 00:15:39.835

That's certainly the intention, yes.

267

00:15:40.095 --> 00:15:43.195

And we'll be seeking a a, yeah, we'll be making efforts

268

00:15:43.255 --> 00:15:45.955

to make ourselves available for, for, for a meeting, uh,

269

00:15:46.265 --> 00:15:48.675

shortly to, to progress the issue.

270

00:15:51.095 --> 00:15:52.665

Okay. So you,

271

00:15:53.545 --> 00:15:55.545

I think you mentioned other DCO applications, so

272

00:15:55.545 --> 00:15:56.985

how have you dealt with this in terms

273

00:15:56.985 --> 00:15:59.825

of other DCO applications you've dealt with in the county?

274

00:16:01.245 --> 00:16:05.145

Has, has it included effectively section 2, 7 8 stuff going

275

00:16:05.145 --> 00:16:08.465

into the protected provisions, or has it been separate?

276

00:16:09.765 --> 00:16:12.905

Uh, separate is what we've, we, we have sought in,

277

00:16:13.085 --> 00:16:17.745

in recent experience with, uh, dcos, um, some

278

00:16:17.745 --> 00:16:20.305

of those dcos, uh, are yet to be approved.

279

00:16:20.685 --> 00:16:24.465

Um, uh, but, uh, it's, it's something we've applied in, in,

280

00:16:24.525 --> 00:16:28.425

in recent times with experience of protective provisions,

281

00:16:28.725 --> 00:16:32.745

uh, not really, um, fully covering all that, that that,

282

00:16:32.745 --> 00:16:33.905

that we would seek

283

00:16:35.915 --> 00:16:37.095

If, if it's of assistance.

284

00:16:37.095 --> 00:16:41.375

So you asked for examples of, of this from, from other dcos.

285

00:16:41.835 --> 00:16:46.455

Uh, my experience is that, um, it is a growing issue

286

00:16:46.685 --> 00:16:49.735

that highways authorities are raising, uh,

287

00:16:49.755 --> 00:16:54.215

and is a relatively recent one that it, um, that the,

288

00:16:55.055 --> 00:16:59.065

that the solution that has been found in the past is, is not

289

00:16:59.085 --> 00:17:02.185

as, as good as, as had been hoped for, for the reasons

290

00:17:02.255 --> 00:17:04.385

that have, uh, I've mentioned, which is

291

00:17:04.385 --> 00:17:09.145

that in fact it's not as good as, uh, an existing system

292

00:17:09.645 --> 00:17:12.585

for, in terms of an example, I'm afraid that the,

293

00:17:12.765 --> 00:17:14.825

the best one that I can give you,

294

00:17:15.025 --> 00:17:18.545

although I'm afraid it's still not, um, I'll say afraid, um,

295

00:17:18.665 --> 00:17:20.825

I, I was representing an objecting party,

296

00:17:20.965 --> 00:17:22.025

but the, um,

297

00:17:22.835 --> 00:17:26.425

there is an example within the draft DC0

298

00:17:26.445 --> 00:17:28.785

for the Akw in Interconnector

299

00:17:29.115 --> 00:17:32.585

where there are no protective provisions, despite the fact

300

00:17:32.585 --> 00:17:36.505

that there are huge amounts of, um, highway's works,

301

00:17:36.925 --> 00:17:37.945

uh, uh, proposed.

302

00:17:39.005 --> 00:17:42.185

Uh, uh, and the issue that arose was that it was better

303

00:17:42.405 --> 00:17:47.145

to try and in effect reincorporate the permit scheme,

304

00:17:47.145 --> 00:17:48.905

which obviously we're not dealing with here, but,

305

00:17:49.025 --> 00:17:53.965

but there was an awful lot of reapplication into, to the DC0

306

00:17:54.635 --> 00:17:57.445

that is not what is, uh, uh, um, being proposed

307

00:17:57.835 --> 00:17:59.165

through, um, Mr.

308

00:17:59.295 --> 00:18:02.925

Crawford's negotiations, um, on, on other dcos.

309

00:18:03.025 --> 00:18:06.565

Um, so it is an evolving issue.

310

00:18:07.305 --> 00:18:10.445

So I, I can't give you clear examples of, of

311

00:18:10.955 --> 00:18:14.965

what has happened in relation to DCO provisions as such,

312

00:18:15.905 --> 00:18:18.285

but I, I, um, as Mr.

313

00:18:18.455 --> 00:18:22.085

Kafer says, there, there are solutions being found, um,

314

00:18:22.275 --> 00:18:27.005

that, um, enable the highways act in effect in the two

315

00:18:27.005 --> 00:18:28.125

seven eights to be agreed.

316

00:18:28.585 --> 00:18:31.485

So, um, I hope that explains things and,

317

00:18:31.505 --> 00:18:34.885

and why it's that we can't give you lots of examples of

318

00:18:34.885 --> 00:18:37.085

of this being because it's a relatively recent issue

319

00:18:37.085 --> 00:18:38.805

that's been raised by highway authorities.

320

00:18:39.515 --> 00:18:42.325

Okay, thanks. So what happens at the end

321

00:18:42.325 --> 00:18:46.845

of the examination if we're faced with your set

322

00:18:46.845 --> 00:18:51.245

of protected provisions versus making,

323

00:18:51.585 --> 00:18:53.965

So you would have two you attempting, sorry, sir.

324

00:18:53.965 --> 00:18:57.245

Sorry, that you'd have two versions of, of, of the DC0 one

325

00:18:57.355 --> 00:19:00.965

that where if, if, if, if no agreement can be reached,

326

00:19:01.555 --> 00:19:03.925

then the highways authority will set out

327

00:19:03.925 --> 00:19:07.365

where it sees the solution to be, uh, and, and,

328

00:19:07.825 --> 00:19:12.085

and you would have a draft of alternative provision which

329

00:19:12.665 --> 00:19:15.685

you can report upon and decide which is the better way.

330

00:19:20.875 --> 00:19:21.935

Can I just come in with a couple

331

00:19:21.935 --> 00:19:23.095

of questions on this please?

332

00:19:23.755 --> 00:19:27.935

The point about, um, a protective provision

333

00:19:28.595 --> 00:19:29.935

not covering the matters

334

00:19:30.685 --> 00:19:33.415

that would be covered in a section 2 7 8 agreement,

335

00:19:34.715 --> 00:19:36.855

why can't a protective provision do that?

336

00:19:41.355 --> 00:19:41.575

Um,

337

00:19:49.415 --> 00:19:52.475
the, well, because it's in effect rein,

338

00:19:52.835 --> 00:19:54.235
reinventing the wheel

339

00:19:54.255 --> 00:19:57.435
and the statutory powers that, that exist

340

00:19:57.535 --> 00:20:02.215
and not, um, I mean,

341

00:20:03.265 --> 00:20:05.535
there, there isn't an easy answer to that.

342

00:20:05.835 --> 00:20:07.975
Um, it may be that, that Mr.

343

00:20:08.145 --> 00:20:10.775
Kafer can explain whether difficulties that have arisen

344

00:20:11.285 --> 00:20:13.975
between trying to use the protective provisions and,

345

00:20:14.035 --> 00:20:17.935
and, uh, has not, has not been successful,

346

00:20:18.795 --> 00:20:20.895
But is that down to the drafting

347

00:20:20.895 --> 00:20:22.375
of those protective provisions?

348

00:20:25.645 --> 00:20:27.695
Well, I'm going to defer to Mr. Crawford on that.

349

00:20:30.705 --> 00:20:33.765
Um, yeah, I can, I can only give a limited answer to

350

00:20:33.765 --> 00:20:36.125

that I'm afraid, um, uh, for today,

351

00:20:36.125 --> 00:20:39.565

but we'd be happy to, I'll be happy to take that away and,

352

00:20:39.565 --> 00:20:43.845

and, and, um, provide written, uh, deadline for, uh,

353

00:20:44.025 --> 00:20:45.165

in relation to that question.

354

00:20:45.305 --> 00:20:49.475

But, um, I suppose more, more generally, uh,

355

00:20:49.835 --> 00:20:51.795

I think our principle here is that we,

356

00:20:51.935 --> 00:20:55.875

we have a robust section 2 7 8 process.

357

00:20:56.855 --> 00:21:00.675

Uh, it works. We apply it to, uh, various, um,

358

00:21:00.845 --> 00:21:04.075

large scale developments around the ca uh, cre.

359

00:21:04.535 --> 00:21:09.455

We feel that in adopting a recognized process

360

00:21:09.565 --> 00:21:13.815

that works well, uh, that we work efficiently with, uh,

361

00:21:14.125 --> 00:21:17.695

will, um, bring good results for, for, for both parties

362

00:21:17.695 --> 00:21:21.335

because, uh, we'll be able to deal with those, those, uh,

363

00:21:21.385 --> 00:21:25.575

we'll be familiar with those, uh, uh, all the information

364

00:21:25.575 --> 00:21:28.015

that's exchanged between us and the applicant,

365

00:21:28.115 --> 00:21:29.615

and we'll be able to sign off

366

00:21:29.615 --> 00:21:32.815

and approve various works in a quicker way if it's in a

367

00:21:32.815 --> 00:21:35.215

format that we recognize and we're familiar with.

368

00:21:35.235 --> 00:21:37.295

And, and, and the process is the same as

369

00:21:37.295 --> 00:21:38.615

what we do for major developments.

370

00:21:38.635 --> 00:21:42.975

So I think that's why we're, we're trying to push for a, a,

371

00:21:43.135 --> 00:21:45.615

a different approach here and more using something

372

00:21:45.615 --> 00:21:49.135

that we're familiar with for, um, efficiency of delivery.

373

00:21:49.515 --> 00:21:50.815

Should it be given consent?

374

00:21:51.995 --> 00:21:54.815

If you could come back, sorry, sorry, if,

375

00:21:54.835 --> 00:21:56.495

if you could come back on that, that would be helpful

376

00:21:56.795 --> 00:22:01.135

and explain why that couldn't be transposed into

377

00:22:01.405 --> 00:22:04.855

that process that you are comfortable with, why

378

00:22:04.855 --> 00:22:07.975

that couldn't be transposed into A DC0?

379

00:22:07.975 --> 00:22:10.295

Because from our point of view, we're starting

380

00:22:10.405 --> 00:22:13.895

with the DC0 being a, a one-stop shop as it were,

381

00:22:14.435 --> 00:22:18.615

and, um, trying to avoid the need

382

00:22:18.635 --> 00:22:20.175

for side agreement.

383

00:22:20.795 --> 00:22:24.615

Um, the other point is that if in the event

384

00:22:24.765 --> 00:22:29.335

that a section 2 7 8 was the way forward, how,

385

00:22:29.595 --> 00:22:31.655

and, and it wasn't fully agreed

386

00:22:31.755 --> 00:22:35.135

before, um, a development consent order was made,

387

00:22:35.755 --> 00:22:40.695

how would we prevent that process from frustrating the

388

00:22:41.415 --> 00:22:42.535

progression of the development?

389

00:22:45.045 --> 00:22:48.215

Well, so my, my instant response and,

390

00:22:48.215 --> 00:22:50.335

and obviously I'd need to take further instruction on this,

391

00:22:50.335 --> 00:22:53.055

but, but it would be potentially possible to achieve,

392

00:22:53.075 --> 00:22:54.375

to achieve that through a,

393

00:22:54.415 --> 00:22:58.675

a requirement achieve what?

394

00:22:58.675 --> 00:22:59.995

Sorry? Or, or even, or even an article.

395

00:23:00.055 --> 00:23:03.995

So the, the, the 2 7 2 7 8 needed to be agreed prior to,

396

00:23:04.975 --> 00:23:06.555

um, prior to the works.

397

00:23:07.785 --> 00:23:10.035

Well, I think the, the difficulty with

398

00:23:10.035 --> 00:23:13.075

that could be you can't force somebody to agree something.

399

00:23:15.015 --> 00:23:19.115

So would that then leave the applicant in a position where,

400

00:23:19.775 --> 00:23:22.595

say Cambridge County Council didn't want to agree

401

00:23:22.595 --> 00:23:25.675

to something in the section 2 7 8 and

402

00:23:25.675 --> 00:23:29.435

therefore, uh, the consent couldn't be implemented?

403

00:23:32.065 --> 00:23:36.715

Well, so the, the ultimately, yes,

404

00:23:36.855 --> 00:23:40.395

but, but, um, as with any requirement or,

405

00:23:40.455 --> 00:23:43.115

or indeed, you know, whether we're dealing with A DCO or,

406

00:23:43.175 --> 00:23:47.685

or, or a planning application, um, there are conditions

407

00:23:48.915 --> 00:23:51.605

that, that, you know, I, I'm thinking along the sort

408

00:23:51.605 --> 00:23:54.645

of grampian line where you, you, you clearly,

409

00:23:54.665 --> 00:23:58.845

if you're going to carry out works in the highway, um, uh,

410

00:23:58.845 --> 00:24:00.965

uh, and there is a statutory process whereby

411

00:24:01.475 --> 00:24:02.645

that can be achieved.

412

00:24:02.835 --> 00:24:04.365

That is how it is achieved.

413

00:24:05.265 --> 00:24:07.285

Um, uh, uh, and, um,

414

00:24:08.595 --> 00:24:12.645

therefore pushing a, a, a requirement that deals with

415

00:24:12.645 --> 00:24:14.485

that position is perfectly lawful.

416

00:24:15.345 --> 00:24:18.005

Um, that is in the nature of any requirement.

417

00:24:18.005 --> 00:24:19.765

If you don't, if you don't comply with it,

418

00:24:19.905 --> 00:24:22.285
you don't get past go as it were.

419

00:24:23.065 --> 00:24:26.925
Um, I mean, so I I completely appreciate the complexities

420

00:24:26.925 --> 00:24:28.205
that, that arise here.

421

00:24:28.665 --> 00:24:31.285
Uh, and, um, I'm sensitive to that.

422

00:24:31.825 --> 00:24:36.805
Um, a solution I think is, is, is possible what we're,

423

00:24:36.855 --> 00:24:40.005
we're discussing, I think at the moment is, is the,

424

00:24:40.065 --> 00:24:41.365
the worst case scenario.

425

00:24:42.145 --> 00:24:46.805
Um, uh, and we will have to give a clear line on that

426

00:24:47.435 --> 00:24:49.605
subject to the point being that we want

427

00:24:49.605 --> 00:24:52.125
to actually achieve a decent and sensible

428

00:24:52.145 --> 00:24:55.925
and reasonable, uh, response to the DC0 itself and, and,

429

00:24:55.985 --> 00:24:58.285
and use the provisions of the DC0.

430

00:24:59.415 --> 00:25:00.805
Thank you. Perhaps you could respond

431

00:25:00.805 --> 00:25:01.885

to both of those points.

432

00:25:02.225 --> 00:25:03.765

Yes. Um, the note Mr.

433

00:25:03.865 --> 00:25:06.485

Ka had mentioned, and should we give the applicant an

434

00:25:06.485 --> 00:25:08.765

opportunity to come back on any points

435

00:25:08.765 --> 00:25:10.045

that the county's made there?

436

00:25:12.355 --> 00:25:16.505

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

437

00:25:16.565 --> 00:25:20.895

the discussion that, that you've just had with, uh,

438

00:25:20.915 --> 00:25:23.255

the county council rather illustrates the applicant's

439

00:25:23.255 --> 00:25:28.055

concerns regarding, um, the leaving matters

440

00:25:28.155 --> 00:25:29.215

to a separate agreement.

441

00:25:30.035 --> 00:25:31.895

Um, this is entirely intended

442

00:25:31.995 --> 00:25:34.535

to be the development consent order process is entirely

443

00:25:34.735 --> 00:25:35.935

intended to be a one-stop shop.

444

00:25:36.595 --> 00:25:39.455

The highway works seeking consent for the same

445

00:25:39.455 --> 00:25:43.735

through the order, it is the established way of way

446

00:25:43.735 --> 00:25:47.135

of doing things, and at present,

447

00:25:47.675 --> 00:25:51.575

the applicant does not have sight

448

00:25:51.575 --> 00:25:55.855

of the particular concerns raised by the county council

449

00:25:56.715 --> 00:25:59.575

as to why, um,

450

00:26:00.185 --> 00:26:02.855

protective provisions do not give it the equivalent

451

00:26:02.855 --> 00:26:04.975

protection as a section 2 7 8.

452

00:26:04.975 --> 00:26:06.975

We're waiting for that information.

453

00:26:07.755 --> 00:26:10.455

The applicant will of course consider

454

00:26:10.455 --> 00:26:12.255

that if there are particular terms

455

00:26:12.255 --> 00:26:17.135

that the county does not consider to be equivalent, um,

456

00:26:17.555 --> 00:26:20.215

and we can deal with it, but at present, we, we don't have

457

00:26:20.215 --> 00:26:24.255

that we've, we've sought to, um, engage as best as possible,

458

00:26:24.255 --> 00:26:25.775

so it'd certainly be very useful to,

459

00:26:25.995 --> 00:26:28.255

to receive the further feedback that's just been requested.

460

00:26:30.185 --> 00:26:31.355

Okay. I, yeah,

461

00:26:31.355 --> 00:26:33.955

I suppose conversely the question is if they have a system

462

00:26:33.955 --> 00:26:36.715

that's tried and tested and works for them, what,

463

00:26:37.495 --> 00:26:38.595

why wouldn't it work for you,

464

00:26:40.405 --> 00:26:42.385

Sir Michelle Moss for the applicant?

465

00:26:43.185 --> 00:26:45.205

Um, very much so at present,

466

00:26:45.265 --> 00:26:47.365

if it's contingent on further consents

467

00:26:47.705 --> 00:26:52.285

and further processes, then that creates risk delay, uh,

468

00:26:52.625 --> 00:26:55.805

and further potential for dispute.

469

00:26:56.185 --> 00:26:58.725

Um, this is, this is something

470

00:26:58.725 --> 00:27:00.445

that the applicant strongly wishes to avoid,

471

00:27:00.445 --> 00:27:04.765

and it's, um, very much the ordinary course of events for,

472

00:27:04.825 --> 00:27:07.565

for these things to be dealt with as protected provisions.

473

00:27:08.555 --> 00:27:10.285

Okay, thank you. Um,

474

00:27:10.425 --> 00:27:12.765

if I could just ask the counter council as well,

475

00:27:13.115 --> 00:27:14.605

there's also protected provisions

476

00:27:14.605 --> 00:27:19.005

as a lead local flood authority and as far as I'm aware

477

00:27:19.005 --> 00:27:22.765

or not raising any concerns about those, is that correct?

478

00:27:25.555 --> 00:27:27.745

David Harford? Uh, mish County Council?

479

00:27:28.445 --> 00:27:30.345

Um, no, we haven't got significant,

480

00:27:30.565 --> 00:27:31.985

uh, comments against that.

481

00:27:32.365 --> 00:27:35.625

We are, we are in, uh, dialogue with the applicant, um, and

482

00:27:36.105 --> 00:27:39.945

provided, um, uh, some additional comments, um,

483

00:27:40.725 --> 00:27:43.425

but there's, there's, there's nothing significant on that.

484

00:27:46.225 --> 00:27:48.075

Okay, thank you. Is there anything else you want to add,

485

00:27:48.935 --> 00:27:51.235

um, around protected provisions

486

00:27:51.235 --> 00:27:53.315

or this part of the agenda item before I move on?

487

00:27:54.725 --> 00:27:59.155

Sarah? I don't, I have no, oh, oh, I'm so sorry. I keep,

488

00:27:59.245 --> 00:28:00.245

Sorry. I was just saying that that

489

00:28:00.245 --> 00:28:01.435

is to the counter council,

490

00:28:02.735 --> 00:28:03.735

Tha thank you, sir.

491

00:28:03.875 --> 00:28:07.115

I, I, I, I think I just would like to pick up on, on, um,

492

00:28:07.495 --> 00:28:10.075

uh, uh, what the, uh, um, applicant has said that we,

493

00:28:10.135 --> 00:28:11.875

we are trying to avoid delay.

494

00:28:11.875 --> 00:28:12.995

That is the principle issue.

495

00:28:13.455 --> 00:28:15.275

Um, uh, and it's how that is achieved.

496

00:28:15.495 --> 00:28:18.475

So I, I completely understand, uh, the questions

497

00:28:18.475 --> 00:28:20.635

that have been raised and, and the, the need

498

00:28:20.635 --> 00:28:21.795

for them to be addressed fully.

499

00:28:22.255 --> 00:28:25.755

Um, and my mind clear instructions Mr.

500

00:28:25.845 --> 00:28:28.755

Kafer, is that, is that, that it, this is a matter

501

00:28:28.755 --> 00:28:29.995

that is being hammered out and,

502

00:28:30.095 --> 00:28:31.715

but we appreciate the issues,

503

00:28:31.975 --> 00:28:33.995

but there are no, in terms of the LLFA

504

00:28:33.995 --> 00:28:37.675

and in terms of any other, um, positions

505

00:28:37.675 --> 00:28:40.355

and, uh, uh, as the, the county council and,

506

00:28:40.355 --> 00:28:43.795

and its regulatory, um, position, there are no other, uh,

507

00:28:43.795 --> 00:28:46.235

predictive provisions and there are other issues raised, um,

508

00:28:46.345 --> 00:28:48.035

that we wish to raise at this stage.

509

00:28:49.185 --> 00:28:53.115

Okay, thank you for that. Um, in that case, let's move on

510

00:28:53.315 --> 00:28:54.715

to National Highways Limited.

511

00:28:55.375 --> 00:28:58.635

Um, thanks for your patience, um, on this.

512

00:28:58.895 --> 00:29:03.855

Um, so it'd be useful if you could just set out

513

00:29:04.125 --> 00:29:07.895

your main concerns, I suppose, with the protected provisions

514

00:29:07.895 --> 00:29:09.695

as they're already drafted.

515

00:29:10.875 --> 00:29:13.935

So thank you Sarah Marshall for National Highways.

516

00:29:14.475 --> 00:29:17.635

Um, if I could just do a, a quick summary.

517

00:29:18.375 --> 00:29:22.115

Um, so it's clear to everybody, the applicant and,

518

00:29:22.135 --> 00:29:26.035

and parties and the panel National Highways are not prepared

519

00:29:26.035 --> 00:29:27.515

to consent to Freehold acquisition

520

00:29:27.575 --> 00:29:28.835

of National Highways Land.

521

00:29:29.015 --> 00:29:30.475

We are a SAT undertaker.

522

00:29:31.615 --> 00:29:35.155

Um, there is no compelling interest for the land

523

00:29:35.155 --> 00:29:36.675

to be acquired compulsory.

524

00:29:38.505 --> 00:29:41.835

We have, I mean, as far as we are concerned, uh,

525

00:29:42.155 --> 00:29:43.955

national Highways can license the

526

00:29:43.955 --> 00:29:45.075
applicant to undertake works.

527

00:29:45.845 --> 00:29:48.995
There are legal agreements there, there are alternatives.

528

00:29:49.455 --> 00:29:53.275
So compulsory acquisition cannot be justified.

529

00:29:53.735 --> 00:29:54.915
It will interfere with our under,

530

00:29:54.915 --> 00:29:56.395
with our statute undertaking,

531

00:29:57.535 --> 00:29:59.755
and we are not prepared to consent to that.

532

00:30:00.275 --> 00:30:02.555
I have made this clear to the, to the applicant

533

00:30:02.555 --> 00:30:04.195
and their representatives.

534

00:30:04.535 --> 00:30:07.075
Um, we will of course work with the applicants on

535

00:30:07.995 --> 00:30:09.915
alternatives on legal alternatives.

536

00:30:10.175 --> 00:30:13.115
Um, we've dealt with many dcos, um,

537

00:30:13.535 --> 00:30:17.315
the protective provisions, um, not

538

00:30:18.215 --> 00:30:20.795
too much to report say for, um,

539

00:30:21.115 --> 00:30:23.035

national Highways now have standard

540

00:30:23.865 --> 00:30:26.355

form protective provisions, which must sit on the face

541

00:30:26.355 --> 00:30:30.435

of the order, and we then have project Pacific

542

00:30:30.685 --> 00:30:34.835

Protective Provisions, um, which are negotiated by way

543

00:30:34.835 --> 00:30:38.795

of a side agreement that has worked, um, with

544

00:30:39.735 --> 00:30:42.275

two, um, dcas and I've just lost my note.

545

00:30:42.735 --> 00:30:47.435

Um, so Med Worth energy, um, waste Combined Heat

546

00:30:47.435 --> 00:30:49.595

and Power Facility, we did the same.

547

00:30:49.815 --> 00:30:52.235

We had standard form protective provisions on the face

548

00:30:52.235 --> 00:30:54.555

of the order and negotiated

549

00:30:55.465 --> 00:30:57.395

project Pacific Protective Provisions.

550

00:30:58.015 --> 00:31:00.235

So that is now with the Secretary of State as

551

00:31:00.235 --> 00:31:01.395

of November last year.

552

00:31:02.055 --> 00:31:03.555

And similar, we're sharing a

553

00:31:03.555 --> 00:31:05.115
and dungeon extension project,

554

00:31:06.275 --> 00:31:07.715
standard form protective provisions

555

00:31:08.135 --> 00:31:12.395
and negotiation of Project Pacific Protective Provisions

556

00:31:12.455 --> 00:31:13.515
by way of a side agreement.

557

00:31:15.255 --> 00:31:18.135
I can't, um, the decision hasn't been taken yet.

558

00:31:18.155 --> 00:31:21.495
So that that's, I've just given you as, as far as it's as

559

00:31:22.045 --> 00:31:25.695
both those schemes have got, both those dcos have got, um,

560

00:31:29.555 --> 00:31:31.095
the temporary use of land.

561

00:31:31.255 --> 00:31:33.215
I have got instructions from this.

562

00:31:34.055 --> 00:31:36.735
National Highways is happy for their land to be u

563

00:31:37.235 --> 00:31:38.575
for temporary use of their land.

564

00:31:39.565 --> 00:31:42.705
Um, so there's no issue that is subject to usual health

565

00:31:42.705 --> 00:31:45.505
and safety and DMRB requirements.

566

00:31:45.965 --> 00:31:50.285

Um, my clients have confirmed to me that the app can,

567

00:31:50.285 --> 00:31:54.005

can also change boundaries without requiring land

568

00:31:54.005 --> 00:31:55.605

acquisition from National Highways.

569

00:31:56.955 --> 00:32:00.175

Now, there may be very rare occasions where it is found

570

00:32:00.175 --> 00:32:03.055

that there is superfluous land to the,

571

00:32:03.595 --> 00:32:05.055

to National Highways need,

572

00:32:05.715 --> 00:32:09.895

and in that case then National Highways would relinquish the

573

00:32:09.895 --> 00:32:13.495

fee freehold, um, so far as

574

00:32:14.735 --> 00:32:15.815

documents are concerned.

575

00:32:16.075 --> 00:32:19.335

Um, I see on the other questions, there's a whole list of,

576

00:32:20.035 --> 00:32:22.975

of land where National Highways has an interest mainly to do

577

00:32:22.975 --> 00:32:24.935

with verges embankment the bridge.

578

00:32:25.825 --> 00:32:29.775

Would it help the panel if National Highways submitted a

579

00:32:29.775 --> 00:32:33.735

table with our responses so you could see clearly

580

00:32:34.345 --> 00:32:36.215
where whether is temporary acquisition

581

00:32:36.215 --> 00:32:39.015
and where we have no objection whether is Freehold

582

00:32:39.070 --> 00:32:41.085
acquisition and we do object.

583

00:32:41.695 --> 00:32:43.325
Would that assist the panel, sir?

584

00:32:43.905 --> 00:32:47.005
Yes, I mean, as much of information as you can provide as

585

00:32:47.065 --> 00:32:50.285
to the reasons why you're not satisfied would

586

00:32:50.285 --> 00:32:51.325
be useful to us.

587

00:32:52.335 --> 00:32:53.445
Thank you, sir. Thank you.

588

00:32:55.895 --> 00:32:58.165
Don't think I've got any, any more to add.

589

00:32:58.255 --> 00:33:01.565
Would the panel like, I mean I could, the panel may be aware

590

00:33:01.565 --> 00:33:05.045
of why National Highways would be, um, are not prepared

591

00:33:05.105 --> 00:33:08.325
to requ, um, to relinquish freehold acquisition.

592

00:33:09.065 --> 00:33:13.925
Um, with highways, it is a once highway, always highways,

593

00:33:13.985 --> 00:33:18.495

so there may, it's the unforeseen, um, if

594

00:33:19.005 --> 00:33:21.745

either if an applicant is interfering

595

00:33:21.745 --> 00:33:23.385

or doing something with land

596

00:33:23.445 --> 00:33:25.865

or acquires the land, it may be

597

00:33:25.865 --> 00:33:27.585

that National Highways will need that land.

598

00:33:28.245 --> 00:33:30.305

Um, there will be issues of safety, certainly

599

00:33:30.305 --> 00:33:34.385

with the tunnel under the A 14, whether changes,

600

00:33:35.135 --> 00:33:38.065

land changes, there may need to be maintenance,

601

00:33:39.675 --> 00:33:41.905

there is a risk of delay

602

00:33:42.045 --> 00:33:43.705

and a risk to safety of highway users.

603

00:33:44.405 --> 00:33:46.865

Um, you know, there's a whole ream of reasons.

604

00:33:47.065 --> 00:33:48.505

I mean, I'm happy again to put

605

00:33:48.505 --> 00:33:50.865

that in National Highway's response for the panel.

606

00:33:51.005 --> 00:33:52.005

For the panel.

607

00:33:53.925 --> 00:33:57.225

So are you saying there's no examples of dcos

608

00:33:57.225 --> 00:33:59.265

where NA National Highways land has not

609

00:33:59.265 --> 00:34:00.465

been compulsory required?

610

00:34:01.905 --> 00:34:03.105

I don't believe so, sir.

611

00:34:03.285 --> 00:34:05.265

But please could I take that away

612

00:34:05.605 --> 00:34:08.305

and confirm the position in a written response?

613

00:34:11.175 --> 00:34:13.075

Yes, of course. And maybe that's the question

614

00:34:13.075 --> 00:34:14.235

for the applicant as well.

615

00:34:16.745 --> 00:34:19.495

Sorry, so I didn't, would you mind repeating that point?

616

00:34:20.195 --> 00:34:23.215

So National Highways seems to object

617

00:34:23.235 --> 00:34:25.135

to any compulsory acquisition of their land.

618

00:34:26.235 --> 00:34:30.365

Um, my question is are there other dcos where

619

00:34:31.325 --> 00:34:33.965

National Highways land has been compulsory required

620

00:34:34.625 --> 00:34:38.405

or has it always come down to some other kind of agreement,

621

00:34:42.605 --> 00:34:44.145

Sir Michelle Moss for the applicant?

622

00:34:44.465 --> 00:34:46.625

I, I honestly would not know off the top of my head.

623

00:34:46.725 --> 00:34:51.375

My, my, my expectation very much is that the parties

624

00:34:51.985 --> 00:34:55.015

reach agreement before the end of an examination,

625

00:34:55.315 --> 00:34:59.895

and that in the vast majority of cases, um, the,

626

00:34:59.895 --> 00:35:01.215

there wouldn't be a requirement

627

00:35:01.215 --> 00:35:03.615

for compulsory acquisition powers

628

00:35:03.615 --> 00:35:05.015

because agreements been reached

629

00:35:05.155 --> 00:35:08.735

and that, that is the intention of the parties here.

630

00:35:08.875 --> 00:35:12.175

To continue it as regards a,

631

00:35:13.535 --> 00:35:18.335

a blanket, we will not allow any compulsory acquisition the

632

00:35:18.675 --> 00:35:20.215

of any freehold land.

633

00:35:20.475 --> 00:35:24.615

The, the Freehold land sought from National Highways here

634

00:35:25.275 --> 00:35:28.175

is subsoil ownership in relation to the transfer tunnel,

635

00:35:28.875 --> 00:35:33.255

and clearly the applicant must have some land rights

636

00:35:33.915 --> 00:35:36.695

in relation to that waste transfer tunnel.

637

00:35:37.385 --> 00:35:42.245

And therefore we, you know, we cannot proceed on the basis

638

00:35:42.705 --> 00:35:45.845

of a, a, a blanket refusal

639

00:35:45.845 --> 00:35:48.525

to allow any compulsory acquisition in the absence

640

00:35:48.585 --> 00:35:50.125

of a land rights agreement

641

00:35:50.155 --> 00:35:53.045

that gives the necessary protection, uh, for,

642

00:35:53.225 --> 00:35:55.325

for the applicant's infrastructure,

643

00:35:55.335 --> 00:35:56.885

which is quite significant.

644

00:35:57.625 --> 00:35:58.805

Um, as Mr.

645

00:35:59.155 --> 00:36:03.485

McDermott said, the, the discussions from a landside are

646

00:36:04.055 --> 00:36:05.405

reasonably early stages,

647

00:36:05.585 --> 00:36:08.565

but they are very shortly to be stepped up.

648

00:36:08.565 --> 00:36:12.285

And I gather that discussions have been had in principle as

649

00:36:12.285 --> 00:36:14.445

to putting people in contact, uh,

650

00:36:14.585 --> 00:36:15.925

in order to allow those to happen.

651

00:36:16.145 --> 00:36:20.365

But from the applicant's perspective, it has to have

652

00:36:20.915 --> 00:36:25.885

land rights for its infrastructure that goes under, uh,

653

00:36:26.485 --> 00:36:29.565

national Highways, um, operational land

654

00:36:29.655 --> 00:36:32.365

where they're not seeking to acquire the, the, the,

655

00:36:32.865 --> 00:36:36.285

the surface are not, not seeking to prevent users

656

00:36:36.385 --> 00:36:38.925

of the highway from using it or drilling underneath,

657

00:36:38.925 --> 00:36:40.485

and there has to be some protection

658

00:36:40.545 --> 00:36:41.725

for, for that infrastructure.

659

00:36:42.585 --> 00:36:45.955

So it, are you objecting to what,

660

00:36:45.955 --> 00:36:49.595

what's your concern about the acquisition of subsoil if

661

00:36:50.535 --> 00:36:52.715

as the applicant says, it wouldn't affect surface,

662

00:36:52.895 --> 00:36:54.275

so it wouldn't affect safety

663

00:36:54.575 --> 00:36:57.475

or, um, you know, how your

664

00:36:58.505 --> 00:37:00.555

road network is used, what,

665

00:37:00.555 --> 00:37:04.515

what is your concern about them acquiring rights or subsoil?

666

00:37:05.375 --> 00:37:09.755

So Sarah Marshall Ford National Highways, the concern,

667

00:37:10.255 --> 00:37:12.195

um, on the face of it, it appears,

668

00:37:14.775 --> 00:37:16.555

it probably appears to the applicant that

669

00:37:17.185 --> 00:37:18.195

what are we concerned about?

670

00:37:18.205 --> 00:37:21.115

We're just going to quietly drill under the drill under the

671

00:37:21.395 --> 00:37:23.475

A 14, this is the, the road concerned.

672

00:37:25.205 --> 00:37:29.145

There are many highways

673

00:37:29.145 --> 00:37:30.865

and surfacing of highways is affected

674

00:37:30.965 --> 00:37:32.185

by, it's affected by weather.

675

00:37:32.455 --> 00:37:35.265

There's geotech geotechnical issues.

676

00:37:35.765 --> 00:37:39.105

So our geotech team have been meeting with the applicant.

677

00:37:40.035 --> 00:37:42.705

There are changes over the years, so it,

678

00:37:42.765 --> 00:37:46.745

it may not be an issue now, it may be an issue couple

679

00:37:46.745 --> 00:37:49.345

of years time or it may be an issue in five

680

00:37:49.345 --> 00:37:52.665

or 10 years time, we may need to maintain

681

00:37:52.685 --> 00:37:53.705

or improve the road.

682

00:37:54.365 --> 00:37:58.945

We may need to have access to the, to the tunnel, um,

683

00:37:59.485 --> 00:38:00.865

or the land beneath the tunnel.

684

00:38:01.525 --> 00:38:04.385

We don't want to, especially where there's safety issues,

685

00:38:04.445 --> 00:38:05.625

if there's an emergency,

686

00:38:05.625 --> 00:38:07.305

and I can't think off the top of my head

687

00:38:07.305 --> 00:38:10.185

what would be an emergency perhaps if there,

688

00:38:10.555 --> 00:38:13.785

there is say land slippage, um, that affects the surface

689

00:38:16.035 --> 00:38:18.495

and you're looking at potentially temporary closure of,

690

00:38:18.635 --> 00:38:20.815

of a, of the a 14, you know,

691

00:38:20.815 --> 00:38:22.175

there is a risk to highway users.

692

00:38:22.275 --> 00:38:24.295

Safety is our, our key concern

693

00:38:24.755 --> 00:38:27.655

Is that not where the protected provisions kind

694

00:38:27.655 --> 00:38:30.615

of kick in though in terms of, you know, if they're,

695

00:38:30.615 --> 00:38:34.655

they're looking to sort of, uh, acquire the subsurface

696

00:38:35.795 --> 00:38:38.085

land to install their infrastructure

697

00:38:38.265 --> 00:38:41.565

and if that has any impact on above ground, isn't that

698

00:38:41.565 --> 00:38:44.125

where the protected provisions come in?

699

00:38:46.395 --> 00:38:47.645

Doesn't that solve that problem?

700

00:38:50.275 --> 00:38:51.855

I'd say not. So, not necessarily.

701

00:38:52.235 --> 00:38:56.145

Um, I did take urgent instructions on this point.

702

00:38:56.485 --> 00:39:01.435

Um, earlier today, national Highways

703

00:39:03.045 --> 00:39:06.865

now looked, and many years ago they, they were not troubled,

704

00:39:06.865 --> 00:39:08.625

perhaps in the sixties, seventies,

705

00:39:09.085 --> 00:39:11.425

not too troubled about ownership of the subsoil.

706

00:39:12.005 --> 00:39:14.225

Now with the Strategic Road Network,

707

00:39:14.905 --> 00:39:18.305

national Highway's policy is to retain ownership

708

00:39:18.365 --> 00:39:22.425

of the subsoil because we don't know where we are.

709

00:39:22.525 --> 00:39:24.785

And again, I I can't give you the

710

00:39:25.865 --> 00:39:27.865

engineering technical information.

711

00:39:28.165 --> 00:39:31.385

I'm happy to put something in writing, um, after,

712

00:39:31.635 --> 00:39:36.465

after today, um, where, where we may need to do something

713

00:39:36.465 --> 00:39:38.345

with the highway, um, repairs

714

00:39:38.445 --> 00:39:41.385

or improve, there may be requires to put an extra lane.

715

00:39:41.385 --> 00:39:43.505

There may be other improvements we may be required

716

00:39:43.765 --> 00:39:45.585

to un undertake on the A 14.

717

00:39:46.485 --> 00:39:50.665

If we have lost ownership of the subsoil, we then adding

718

00:39:51.495 --> 00:39:55.095

another, another layer

719

00:39:55.355 --> 00:39:58.575

and see the applicant may not consent.

720

00:39:58.685 --> 00:40:01.535

They may say, well, no, our, our tunnel stays.

721

00:40:01.555 --> 00:40:04.775

Now if the tunnel is put in by the applicant,

722

00:40:05.935 --> 00:40:07.355

we give the applicant permission.

723

00:40:07.355 --> 00:40:09.555

The applicant of course, retains ownership of the tunnel

724

00:40:09.655 --> 00:40:12.115

and the tunnel structure, there is no issue with that.

725

00:40:12.865 --> 00:40:14.075

They can access that.

726

00:40:14.535 --> 00:40:19.275

Um, but the land, the subor beneath the tunnel,

727

00:40:19.735 --> 00:40:21.955

um, we, we must retain and,

728

00:40:22.095 --> 00:40:25.395

and that is, that is position with National Highways.

729

00:40:26.855 --> 00:40:27.855

Thank you, sir.

730

00:40:29.425 --> 00:40:32.845

So what's wrong with that approach?

731

00:40:36.185 --> 00:40:38.485

So Michelle Moss for the applicant, I,

732

00:40:38.605 --> 00:40:41.565

I must confess I'm not entirely clear as to

733

00:40:41.795 --> 00:40:44.805

what is being proposed in terms of land rights in, in

734

00:40:44.805 --> 00:40:47.285

that respect by National Highways as to

735

00:40:47.285 --> 00:40:49.965

what protection the applicant would have.

736

00:40:50.645 --> 00:40:53.285

I think it, it sounds as though

737

00:40:53.865 --> 00:40:57.165

we will receive a detailed response relatively soon

738

00:40:57.165 --> 00:41:00.485

that explains, um, the, the position

739

00:41:00.485 --> 00:41:03.485

of the statutory undertaker in which we can look at from the

740

00:41:04.555 --> 00:41:08.005

applicant's perspective, we are dealing

741

00:41:08.115 --> 00:41:11.245

with land at quite depth, uh,

742

00:41:11.475 --> 00:41:14.565

certainly land acquisition at a depth greater than seven

743

00:41:14.625 --> 00:41:17.325

meters, but in the majority of cases for that, uh,

744

00:41:17.325 --> 00:41:19.245

waste transfer tunnel, like it's going

745

00:41:19.245 --> 00:41:21.925

to be approximately 20 meters down.

746

00:41:22.345 --> 00:41:26.845

So I, the applicant would be surprised if the majority,

747

00:41:27.315 --> 00:41:30.045

well, if, if, if National Highways wasn't able to do,

748

00:41:30.575 --> 00:41:35.125

carry out whatever it needed to do within the subsoil

749

00:41:35.185 --> 00:41:37.405

and subsurface

750

00:41:37.585 --> 00:41:40.685

and its its control of the, of the highway,

751

00:41:41.955 --> 00:41:44.125

clearly the applicant is, is willing

752

00:41:44.125 --> 00:41:46.325

to look at any further safeguards that might be needed

753

00:41:46.325 --> 00:41:47.685

and to look at the protected provisions.

754

00:41:47.705 --> 00:41:52.085

But we, we await that detail to, to be able to look at it.

755

00:41:52.085 --> 00:41:56.645

But fundamentally there's a significant structure at a depth

756

00:41:57.215 --> 00:41:59.365

which the applicant needs a write for.

757

00:41:59.425 --> 00:42:04.125

We are not here in a position of business as usual services

758

00:42:04.235 --> 00:42:05.965

that are protected by Newark

759

00:42:06.145 --> 00:42:10.075

and street nerves.

760

00:42:10.075 --> 00:42:12.355

We've lost the, the ability to work out

761

00:42:12.815 --> 00:42:14.155

to remember what that stands for.

762

00:42:14.175 --> 00:42:15.555

New Roads and Street where it's at.

763

00:42:15.865 --> 00:42:17.435

This is something entirely different.

764

00:42:18.055 --> 00:42:22.235

Um, and at present, national Highways appear to be proposing

765

00:42:22.235 --> 00:42:25.075

that the applicant has no land right for it, which is,

766

00:42:25.125 --> 00:42:27.595

which is not, not appropriate, it's at risk.

767

00:42:28.745 --> 00:42:31.595

Okay. It sounds like there's a fair bit more discussions

768

00:42:31.595 --> 00:42:35.315

to be had between the parties, um, in terms

769

00:42:35.315 --> 00:42:36.435
of protective provisions.

770

00:42:38.435 --> 00:42:41.055
Are you uh, well, I mean we, I don't think we've seen any

771

00:42:41.805 --> 00:42:45.575
wording from yourselves that would be a preference as

772

00:42:48.425 --> 00:42:51.405
So, oh, Are you in, are you going

773

00:42:51.405 --> 00:42:52.805
to provide anything like that

774

00:42:52.865 --> 00:42:55.965
or are you just happy to keep negotiating

775

00:42:56.145 --> 00:42:57.765
and maybe provide

776

00:42:57.765 --> 00:42:59.725
that later if you don't reach agreements on that?

777

00:43:00.985 --> 00:43:04.085
So, Sarah Marshall National Highways, um, uh,

778

00:43:06.005 --> 00:43:09.465
the National Highways did sub, well we certainly submitted

779

00:43:09.465 --> 00:43:12.145
to the applicant are standard form protective provisions.

780

00:43:13.045 --> 00:43:14.825
Um, un unfortunately there,

781

00:43:14.825 --> 00:43:18.585
there has only been recent contact about the project Pacific

782

00:43:18.795 --> 00:43:19.985

Protective Provisions.

783

00:43:20.245 --> 00:43:22.985

Um, so we're hoping

784

00:43:22.985 --> 00:43:26.305

that there will be further urgent discussions, um,

785

00:43:26.445 --> 00:43:27.505

and negotiations.

786

00:43:27.645 --> 00:43:30.945

So I would hope that the parties can make progress

787

00:43:31.325 --> 00:43:35.425

and I, I suspect a further note from National Highways

788

00:43:35.605 --> 00:43:37.105

for the panel and for the parties

789

00:43:37.245 --> 00:43:39.545

and for the applicant will make it clear

790

00:43:39.545 --> 00:43:42.855

and help the applicant understand National Highway's

791

00:43:43.095 --> 00:43:44.965

position and again, in that note,

792

00:43:45.105 --> 00:43:48.565

we can offer some suitable legal alternatives.

793

00:43:50.395 --> 00:43:53.085

Okay, and when's your next discussion

794

00:43:53.085 --> 00:43:54.925

or meeting set up for,

795

00:43:59.455 --> 00:44:00.605

given we're sort of halfway

796

00:44:00.605 --> 00:44:02.005

through the examination at the moment.

797

00:44:20.705 --> 00:44:22.675

Okay, so I think it'd be useful for us

798

00:44:22.675 --> 00:44:25.915

to understand why you need compulsory acquisition powers

799

00:44:26.655 --> 00:44:28.875

for the subsoil in terms of

800

00:44:31.405 --> 00:44:35.105

was it ongoing in terms of needing to own, you know, own

801

00:44:35.255 --> 00:44:38.985

that land in perpetuity, um,

802

00:44:41.685 --> 00:44:44.625

and it useful to understand from National Highways why

803

00:44:45.645 --> 00:44:49.425

you think they don't need that in a written submission.

804

00:45:00.995 --> 00:45:02.765

Okay, thank you. Would like

805

00:45:02.765 --> 00:45:05.085

to say anything else on the matter before we move on?

806

00:45:05.745 --> 00:45:05.965

No,

807

00:45:25.595 --> 00:45:28.595

I think we will see what comes in at deadline for,

808

00:45:28.695 --> 00:45:31.275

and we may have further written questions

809

00:45:31.975 --> 00:45:35.865

or, um, come back

810

00:45:35.865 --> 00:45:38.265

to this at future hearings possibly, but we'll see

811

00:45:44.965 --> 00:45:46.275

we've discussed Cadent

812

00:45:46.335 --> 00:45:49.395

and so the next is conservatives of the river cam.

813

00:45:50.375 --> 00:45:55.215

Um, so protected provisions have been

814

00:45:55.455 --> 00:46:00.055

provided by the conservators at Deadline three, also the

815

00:46:01.335 --> 00:46:03.495

D-C-O-D-D-C-O was updated,

816

00:46:03.655 --> 00:46:05.295

a deadline three to reflect some of these.

817

00:46:06.355 --> 00:46:11.235

Um, I was hoping the conservators could give a

818

00:46:11.235 --> 00:46:15.555

brief update in terms of any outstanding concerns

819

00:46:16.225 --> 00:46:19.315

that you have, um, in respect to the recently updated

820

00:46:20.565 --> 00:46:22.795

draft development consent order deadline three.

821

00:46:23.985 --> 00:46:26.395

Yeah, I suppose in terms of Article 44

822

00:46:26.495 --> 00:46:28.315

and in terms of the protected provisions,

823

00:46:28.905 --> 00:46:32.235

Yeah, um, we do have some ongoing concerns,

824

00:46:32.375 --> 00:46:36.035

but we are currently in the middle of ongoing negotiations,

825

00:46:36.415 --> 00:46:38.355

um, with the statement of common ground

826

00:46:38.355 --> 00:46:41.915

and protective permissions, um, with angling water.

827

00:46:42.095 --> 00:46:44.755

And we're also currently taking legal advice

828

00:46:44.755 --> 00:46:46.115

regarding the acquisitions.

829

00:46:46.975 --> 00:46:50.195

Um, so we are hoping to discuss further with, uh,

830

00:46:50.195 --> 00:46:52.435

with the Anglia water representatives next week.

831

00:46:53.135 --> 00:46:56.555

Um, the items that the conservators most, um,

832

00:46:57.505 --> 00:47:02.115

feel strongly about, um, we hope that we'll make progress.

833

00:47:02.535 --> 00:47:05.075

Um, we, our main,

834

00:47:06.455 --> 00:47:08.635

our main fundamental concerns are

835

00:47:08.635 --> 00:47:11.035

that we haven't seen reasonable justification

836

00:47:11.695 --> 00:47:15.035

to the permanent extinguishment of any rights of navigation

837

00:47:15.135 --> 00:47:17.235

or other rights over parts of the river camp.

838

00:47:18.135 --> 00:47:20.875

Um, being a river it's kind of difficult

839

00:47:20.875 --> 00:47:22.595

unless you put obstructions in the way.

840

00:47:22.935 --> 00:47:26.395

And, um, and that's obviously not been proposed, so we need

841

00:47:26.395 --> 00:47:29.845

to have a further, um, explanation from water on

842

00:47:29.865 --> 00:47:33.925

how they see this, um, working out and,

843

00:47:34.105 --> 00:47:35.805

and why even, um,

844

00:47:36.065 --> 00:47:39.165

we expressed reservations about the potential vacuum

845

00:47:39.385 --> 00:47:42.365

of authority resulting from a temporary suspension

846

00:47:42.665 --> 00:47:46.885

of conservancy bylaws, which may pose issues for river users

847

00:47:47.145 --> 00:47:48.445

and the conservancy

848

00:47:48.445 --> 00:47:52.845

because if you take our responsibility away, then you need

849

00:47:53.105 --> 00:47:55.885

to a certain extent to have an authority that

850

00:47:56.115 --> 00:47:57.405
that picks up the slack.

851

00:47:58.065 --> 00:47:59.525
Um, it's our firm belief

852

00:47:59.525 --> 00:48:03.725
that conservancy must be consulted on any matter occurring

853

00:48:03.785 --> 00:48:07.725
on or along the river at any time to ensure that the needs

854

00:48:07.725 --> 00:48:10.285
of those using and maintaining the navigation

855

00:48:10.305 --> 00:48:11.445
are duly considered.

856

00:48:11.465 --> 00:48:14.045
And it was interesting listening, um,

857

00:48:14.105 --> 00:48:15.685
to your previous commenters

858

00:48:15.835 --> 00:48:19.605
because actually we have a provision whereby riparian, um,

859

00:48:19.605 --> 00:48:23.885
owners have to make applications, um, to the conservancy

860

00:48:23.905 --> 00:48:27.005
to carry our works, um, on or or along the river.

861

00:48:27.425 --> 00:48:29.405
And we have a set process for doing that.

862

00:48:29.465 --> 00:48:33.165
And in these, um, provisions, angling water are proposing

863

00:48:33.165 --> 00:48:35.205

that those are now negated and,

864

00:48:35.505 --> 00:48:37.845

and obviously there are reasons for this

865

00:48:37.865 --> 00:48:41.965

and that actually we do present, um, uh, uh, a means

866

00:48:41.985 --> 00:48:46.485

by which we communicate to, um, the users and um,

867

00:48:46.665 --> 00:48:50.685

and um, and actually, um, we have a lot of information about

868

00:48:50.685 --> 00:48:53.125

what goes on in the river and where the issues may lie

869

00:48:53.265 --> 00:48:55.045

for people who want to work along the river.

870

00:48:55.705 --> 00:48:58.565

Um, so, and we also emphasize the necessity

871

00:48:58.745 --> 00:49:00.525

for clear indemnification

872

00:49:00.545 --> 00:49:04.045

of the conservancy against financial impact

873

00:49:04.555 --> 00:49:06.725

arising from the construction operation

874

00:49:06.725 --> 00:49:09.565

and termination of the proposed works by water.

875

00:49:10.415 --> 00:49:13.325

While, you know, we, we are not funded

876

00:49:13.505 --> 00:49:14.885

by any government funds

877

00:49:15.105 --> 00:49:18.725

and we are funded almost solely by the licenses

878

00:49:18.725 --> 00:49:21.605

of River River users, those boat owners.

879

00:49:22.345 --> 00:49:26.725

Um, we are not in a position to, to seek financial, um,

880

00:49:27.135 --> 00:49:28.725

assistance from any other source

881

00:49:28.825 --> 00:49:31.005

and we do maintain the river banks on our land,

882

00:49:31.005 --> 00:49:34.485

which is opposite the outflow and scouring, um,

883

00:49:34.985 --> 00:49:37.125

and, um, deposits of soil

884

00:49:37.425 --> 00:49:41.685

and um, maybe other obs obstructions that could be presented

885

00:49:41.705 --> 00:49:43.005

to, to navigation.

886

00:49:43.385 --> 00:49:45.605

We would be, um, obliged to remove

887

00:49:46.025 --> 00:49:49.805

and in order to maintain that navigation, um, for example,

888

00:49:50.165 --> 00:49:52.725

a revetment at the moment, if you look at 50 meters

889

00:49:52.725 --> 00:49:55.925

of revetments, it will cost in the region of 80,000 pounds.

890

00:49:56.105 --> 00:49:59.005

So when we talk about financial consequence,

891

00:49:59.005 --> 00:50:00.485

we're not just talking about the now,

892

00:50:00.485 --> 00:50:01.805

we're talking about in the future.

893

00:50:02.545 --> 00:50:05.565

Um, we have concerns, obviously we have,

894

00:50:06.115 --> 00:50:07.405

have other concerns,

895

00:50:07.405 --> 00:50:09.165

but those are the main highlights really.

896

00:50:09.735 --> 00:50:10.735

Thank you, sir.

897

00:50:12.355 --> 00:50:16.885

Okay, thank you. Um, it might be useful if you, so you,

898

00:50:17.145 --> 00:50:21.325

you did the um, sort of track change DCO version,

899

00:50:21.565 --> 00:50:22.765

I think it was from deadline two

900

00:50:23.065 --> 00:50:24.325

and prior that to deadline three.

901

00:50:24.875 --> 00:50:26.565

It'd be probably useful to have that again

902

00:50:27.185 --> 00:50:30.485

for the next deadline, for the deadline three version just

903

00:50:30.485 --> 00:50:32.165

to see where Yes, because quite a

904

00:50:32.165 --> 00:50:33.205
lot of changes have happened.

905

00:50:34.065 --> 00:50:37.885
Yes, that's right. Including, including to Article 44, which

906

00:50:38.735 --> 00:50:42.785
seems to broadly reflect what you were requesting.

907

00:50:43.845 --> 00:50:45.065
Um, is it right to say

908

00:50:45.305 --> 00:50:47.145
that it's mainly the protected provisions

909

00:50:47.145 --> 00:50:48.705
that you've got issues with?

910

00:50:49.955 --> 00:50:52.935
Yes, I would say that those are the highlights basically,

911

00:50:52.965 --> 00:50:55.055
yeah, the protected provisions.

912

00:50:55.085 --> 00:50:56.085
Okay.

913

00:50:57.315 --> 00:51:01.225
So I mean, do you think that you'll reach agreement

914

00:51:01.285 --> 00:51:04.065
by the end of the examination with the applicant?

915

00:51:05.825 --> 00:51:08.665
I think that that is likely, um, I would hope so.

916

00:51:09.085 --> 00:51:10.385
Um, um,

917

00:51:10.845 --> 00:51:15.625

and I think, um, might be that, um, the applicant needs

918

00:51:15.645 --> 00:51:19.545

to understand where, what our rationality is in, in asking

919

00:51:19.685 --> 00:51:20.705

for these factors

920

00:51:21.045 --> 00:51:23.545

and so a discussion next week may

921

00:51:23.785 --> 00:51:24.865

actually make a lot of progress.

922

00:51:25.855 --> 00:51:29.145

Okay. And in terms of the applicant, what's,

923

00:51:30.005 --> 00:51:33.855

is there anything that the conservators are requesting

924

00:51:33.855 --> 00:51:37.055

that you think is wholly and reasonable

925

00:51:37.115 --> 00:51:39.455

or wouldn't want to include?

926

00:51:43.075 --> 00:51:46.215

So Michelle Moss for the applicant, um,

927

00:51:46.715 --> 00:51:48.855

the applicant at the moment is not clear to

928

00:51:48.855 --> 00:51:52.855

what extent its revisions that were made, uh, previously

929

00:51:53.725 --> 00:51:57.135

address the concerns which the conservancy has.

930

00:51:57.495 --> 00:51:59.135

I think the, the meeting that's

931

00:51:59.155 --> 00:52:03.015

to be held next week will very much assist the parties,

932

00:52:03.085 --> 00:52:05.055

certainly the applicant in understanding

933

00:52:06.045 --> 00:52:08.055

what issues have been narrowed

934

00:52:08.055 --> 00:52:10.135

because there has been significant

935

00:52:11.455 --> 00:52:14.495

movement from the applicant and, and attempts to clarify

936

00:52:15.395 --> 00:52:17.455

and include details such

937

00:52:17.455 --> 00:52:20.215

as notice provisions amending Article 44

938

00:52:20.785 --> 00:52:24.895

clarifying the extent of permanent impact in the river

939

00:52:25.355 --> 00:52:29.695

and the meeting next week is intended to deal

940

00:52:29.695 --> 00:52:31.935

with the feedback on that

941

00:52:32.075 --> 00:52:35.535

and to understand where the dispute, if any lie now lies.

942

00:52:36.405 --> 00:52:39.055

Okay. I think in that case we'll leave it there

943

00:52:39.235 --> 00:52:41.095

and you can, you have your meeting

944

00:52:41.095 --> 00:52:43.295

and then you'll feed back to us at the next deadline

945

00:52:45.165 --> 00:52:48.515

and then we'll take it from there. Okay, thank you.

946

00:52:48.515 --> 00:52:49.595

Yeah, that's fine.

947

00:52:51.255 --> 00:52:53.835

Um, in terms of network rail, they're not here

948

00:52:53.975 --> 00:52:56.115

so Oh yes, Ms. Cotton, sorry,

949

00:52:56.145 --> 00:52:57.145

Just very quickly. Um,

950

00:52:57.145 --> 00:53:01.035

in terms of the, uh, that access to, uh, the river, um,

951

00:53:01.105 --> 00:53:04.395

that you were just, uh, referring to, um, there are seem

952

00:53:04.395 --> 00:53:05.755

to be many, many rowers

953

00:53:05.755 --> 00:53:08.035

who obviously use the river many boat houses

954

00:53:08.065 --> 00:53:11.075

that were completely unaware of this is it for us to sort

955

00:53:11.075 --> 00:53:12.635

of broadcast it, have they got an opportunity

956

00:53:12.635 --> 00:53:14.355

before the next deadline to write

957

00:53:14.375 --> 00:53:18.675

and make their representations regarding, um, this, uh,

958

00:53:18.675 --> 00:53:20.595

navigational access that's going to be removed?

959

00:53:20.855 --> 00:53:23.275

So it does affect, um, the town

960

00:53:23.415 --> 00:53:25.560

and the university, the bumps start there.

961

00:53:25.715 --> 00:53:30.205

It's a very, very important, uh, area to, uh, the, uh, city

962

00:53:30.205 --> 00:53:31.485

that's going to be affected by this.

963

00:53:31.745 --> 00:53:33.245

And it will and, and,

964

00:53:33.265 --> 00:53:35.925

and people that I've spoken to were, were really shocked

965

00:53:35.945 --> 00:53:37.325

and, and I feel bad

966

00:53:37.325 --> 00:53:38.805

that I haven't actually spoken more about it.

967

00:53:39.465 --> 00:53:42.325

Um, so can they write and respond by

968

00:53:42.325 --> 00:53:43.405

before the next deadline?

969

00:53:43.515 --> 00:53:46.565

Well, everything's in the public realm, so if anyone wants

970

00:53:46.565 --> 00:53:47.925

to write in then they can.

971

00:53:48.025 --> 00:53:50.485

If they're an interest party, that's okay.

972

00:53:50.485 --> 00:53:51.845

If they're not, we can accept it

973

00:53:51.845 --> 00:53:53.285

as we haven't an additional submission if,

974

00:53:54.065 --> 00:53:57.765

if we thought it was relevant and reasonable.

975

00:53:58.265 --> 00:54:02.485

Um, but I suppose bear in mind from the beginning

976

00:54:02.485 --> 00:54:03.605

of the examination, the,

977

00:54:04.505 --> 00:54:07.245

the right source over the river can were reduced

978

00:54:08.555 --> 00:54:12.545

quite significantly from beyond halfway to just,

979

00:54:13.225 --> 00:54:15.985

I suppose the river bank where the outfall was going

980

00:54:15.985 --> 00:54:17.545

to be positioned really.

981

00:54:17.605 --> 00:54:22.505

So as long as anyone's people aware of that

982

00:54:23.085 --> 00:54:24.425

and looking at the right documents.

983

00:54:24.695 --> 00:54:25.945

Okay, thank you.

984

00:54:28.685 --> 00:54:31.465

Uh, yeah, in terms of national net, sorry, network rail,

985

00:54:31.685 --> 00:54:34.105

um, they're not here, so I'm going to move on from that

986

00:54:34.105 --> 00:54:36.665

and we'll leave anything to deadline for written questions

987

00:54:37.005 --> 00:54:38.265

to address their concerns.

988

00:54:41.055 --> 00:54:44.835

Um, we've talked about

989

00:54:45.095 --> 00:54:47.275

sky, uh, city fiber.

990

00:54:47.415 --> 00:54:49.635

Did you want to say anything about city fiber?

991

00:54:55.795 --> 00:54:58.535

So Michelle Moss for the applicant, our understanding

992

00:54:58.535 --> 00:55:00.695

of their interests are in Cowley Road,

993

00:55:00.705 --> 00:55:03.415

which comes under the same category as many of the,

994

00:55:03.955 --> 00:55:06.735

the other electronic communications code operators

995

00:55:06.835 --> 00:55:09.935

and uh, they, they may be affected by business

996

00:55:09.935 --> 00:55:11.815

as usual utilities work.

997

00:55:11.885 --> 00:55:12.885

Okay.

998

00:55:17.195 --> 00:55:20.215

Um, and then the next point was about such undertakers

999

00:55:20.795 --> 00:55:23.895

in the STA undertaker's progress schedule also being

1000

00:55:24.215 --> 00:55:25.215

represented in the ca schedule.

1001

00:55:27.035 --> 00:55:28.735

So I know there'll be a bit of crossover,

1002

00:55:28.875 --> 00:55:33.775

but in terms of who's objecting, that should be

1003

00:55:34.475 --> 00:55:38.125

in the ca schedule just to differentiate

1004

00:55:38.395 --> 00:55:41.245

between those in this statutory undertaker schedule

1005

00:55:41.425 --> 00:55:43.045

who are not objecting,

1006

00:55:45.675 --> 00:55:47.055

Sir Michelle Moss, the applicant.

1007

00:55:47.115 --> 00:55:48.975

We can, we can add that in and,

1008

00:55:49.555 --> 00:55:54.195

and also, um, provide the relevant, relevant rep

1009

00:55:54.455 --> 00:55:57.355

and appropriate numbers so that it's clear who's objecting.

1010

00:55:57.515 --> 00:56:00.555

I expect we may have a little duplication between the two,

1011

00:56:00.615 --> 00:56:03.715

but I suppose better that than yeah, than the alternative.

1012
00:56:03.825 --> 00:56:06.805
Okay, thank you. Um,

1013
00:56:08.895 --> 00:56:11.925
oh yeah, and the compulsory acquisition schedule,

1014
00:56:12.065 --> 00:56:14.125
the state's objection column is not filled out

1015
00:56:14.125 --> 00:56:15.165
for a number of entries.

1016
00:56:16.285 --> 00:56:18.765
I was hoping you could explain why that is.

1017
00:56:29.025 --> 00:56:30.525
So Michelle Moss for the applicant do,

1018
00:56:30.545 --> 00:56:32.005
do you have an example in mind sir?

1019
00:56:32.245 --> 00:56:34.325
Uh, as we're looking through? Yeah,

1020
00:56:44.575 --> 00:56:46.595
So for example,

1021
00:56:49.595 --> 00:56:51.415
CA 0 four eight,

1022
00:56:58.125 --> 00:56:59.785
uh, CAO three, two,

1023
00:57:27.925 --> 00:57:28.625
CAO two five,

1024
00:57:32.465 --> 00:57:34.285
So Michelle Moss for the applicant.

1025
00:57:34.705 --> 00:57:38.595

Um, my understanding,

1026

00:57:38.855 --> 00:57:40.035

but we will take away

1027

00:57:40.035 --> 00:57:44.635

and check is that when the relevant representations

1028

00:57:44.825 --> 00:57:48.915

were made as a search was done to try to identify anybody

1029

00:57:48.975 --> 00:57:50.555

who had made a relevant representation

1030

00:57:50.745 --> 00:57:52.075

that had a category one, two,

1031

00:57:52.075 --> 00:57:54.755

or three interest, those who had were added

1032

00:57:54.755 --> 00:57:56.555

to the compulsory acquisition schedule.

1033

00:57:57.065 --> 00:57:59.665

However, the vast majority

1034

00:57:59.725 --> 00:58:03.865

of these have not expressly raised a compulsory acquisition

1035

00:58:04.815 --> 00:58:09.665

objection and hence it's not been possible

1036

00:58:09.765 --> 00:58:13.305

or, or in any way to, to give a status on that objection

1037

00:58:13.305 --> 00:58:14.345

because they've related to

1038

00:58:15.565 --> 00:58:17.385

non-compulsory acquisition matters.

1039

00:58:17.925 --> 00:58:22.625

So for example, may have a general objection regarding, um,

1040

00:58:23.405 --> 00:58:26.185

you know, some of the more planning aspects of the scheme.

1041

00:58:26.855 --> 00:58:30.105

Okay. Uh, I suppose in that column though, it says,

1042

00:58:31.525 --> 00:58:33.625

for example, in some entries ongoing

1043

00:58:33.645 --> 00:58:36.505

but not relate, not relating to ca so that's fine,

1044

00:58:37.125 --> 00:58:40.365

but in other, in other ones it doesn't say it

1045

00:58:40.365 --> 00:58:41.445

has no entry at all.

1046

00:58:42.535 --> 00:58:44.355

So might it help?

1047

00:58:44.735 --> 00:58:48.315

It would probably help if you could identify that

1048

00:58:48.695 --> 00:58:50.315

for all parties where that's relevant.

1049

00:58:51.415 --> 00:58:53.515

So Michelle mostly the applicant, we, we will take

1050

00:58:53.515 --> 00:58:55.875

that away and and add clarification as appropriate.

1051

00:58:56.185 --> 00:58:58.155

Okay, thank you. Um,

1052

00:58:58.815 --> 00:59:01.635

and then finally on this, the formatting

1053

00:59:01.635 --> 00:59:06.475

of the statutory undertaker's progress schedule is quite,

1054

00:59:07.105 --> 00:59:08.115

it's difficult to read

1055

00:59:08.115 --> 00:59:11.755

because it looks like it's on maybe a a four format,

1056

00:59:12.775 --> 00:59:15.555

so lots of lots of words are split.

1057

00:59:16.495 --> 00:59:18.955

Um, it just makes reading it difficult

1058

00:59:21.365 --> 00:59:24.465

for the XA and probably for interested parties as well.

1059

00:59:32.715 --> 00:59:35.295

So Michelle Moss for the applicant,

1060

00:59:38.765 --> 00:59:42.205

I suspect our challenge in that respect is the number

1061

00:59:42.205 --> 00:59:46.085

of columns being able to being able to fit them.

1062

00:59:46.555 --> 00:59:49.125

Okay. We had similar on some of the, um,

1063

00:59:52.465 --> 00:59:55.715

yeah, we had similar on some of the environmental statement

1064

00:59:56.745 --> 01:00:01.525

tables and in that instance you managed to sort it out,

1065

01:00:01.585 --> 01:00:04.765

so it may be just making the page bigger

1066

01:00:05.065 --> 01:00:06.925

to a three size or something, I'm not sure.

1067

01:00:07.905 --> 01:00:10.205

So we'll, we'll certainly take a look to see if

1068

01:00:10.205 --> 01:00:14.445

that can be remedied with a avoiding cutting words in half.

1069

01:00:14.955 --> 01:00:17.325

Okay, thank you. Um,

1070

01:00:17.505 --> 01:00:20.405

and are there any other statutory undertakers affected

1071

01:00:20.425 --> 01:00:22.725

who wish to speak at this point who have not yet done so?

1072

01:00:28.255 --> 01:00:28.545

Okay,

1073

01:00:34.335 --> 01:00:35.475

uh, in that case we'll move on

1074

01:00:35.475 --> 01:00:37.915

to agenda item six related to Crown Land.

1075

01:00:38.895 --> 01:00:43.825

Um, could you please provide just a brief update in

1076

01:00:43.825 --> 01:00:45.825

respect of negotiations over Crown Land

1077

01:00:46.645 --> 01:00:49.145

and when it's expected that this will be completed

1078

01:00:50.245 --> 01:00:52.105

an agreement reached please.

1079

01:00:58.075 --> 01:01:03.015

So, Michelle Moss for the applicant in relation

1080

01:01:03.075 --> 01:01:07.455
to the Ministry of Defense, uh,

1081

01:01:08.115 --> 01:01:10.735
we had communication from

1082

01:01:11.585 --> 01:01:14.495
their solicitor at the end of last week

1083

01:01:14.635 --> 01:01:19.015
who was seeking clarification, um, regarding one

1084

01:01:19.015 --> 01:01:23.455
of the land parcels, uh, 0 73 A.

1085

01:01:24.195 --> 01:01:29.015
Um, and we're just waiting to find out whether we satisfied

1086

01:01:30.145 --> 01:01:32.615
their, their queries in that respect,

1087

01:01:33.045 --> 01:01:35.455
therefore active engagement on it

1088

01:01:35.475 --> 01:01:37.975
and we very much hope that that will be

1089

01:01:38.485 --> 01:01:39.735
addressed fairly soon.

1090

01:01:40.405 --> 01:01:44.295
What they have ex confirmed to ourselves is

1091

01:01:44.925 --> 01:01:46.495
that they, they agree

1092

01:01:46.495 --> 01:01:51.455
that section 1 3 5 subsection one is not engaged and

1093

01:01:51.455 --> 01:01:53.295

therefore they're looking at anything in relation

1094

01:01:53.295 --> 01:01:55.615

to section one fee 1 3 5 2.

1095

01:02:00.105 --> 01:02:04.115

With regards to the department for transport, we've

1096

01:02:05.105 --> 01:02:08.195

only very recently had confirmation

1097

01:02:08.195 --> 01:02:12.275

that they have instructed solicitors as of last week,

1098

01:02:12.275 --> 01:02:15.195

those solicitors had not received any

1099

01:02:15.555 --> 01:02:17.275

instructions from their client.

1100

01:02:18.065 --> 01:02:20.565

However, yesterday they confirmed to us

1101

01:02:20.565 --> 01:02:23.205

that they're pulling a report together for their client,

1102

01:02:23.205 --> 01:02:25.845

which they were due to send to their client yesterday.

1103

01:02:26.595 --> 01:02:31.005

Therefore, I hope we will hear back from them very soon.

1104

01:02:31.665 --> 01:02:36.565

Um, we've not heard anything to suggest at present

1105

01:02:36.595 --> 01:02:39.525

that either party has any concerns.

1106

01:02:46.085 --> 01:02:49.685

Okay. And if consent's not forthcoming by the close

1107

01:02:49.685 --> 01:02:54.375

of examination, what happens in that situation?

1108

01:02:58.125 --> 01:03:01.985

So Michelle Moss for the applicant, given

1109

01:03:01.985 --> 01:03:05.785

that section 1 3 5 1 is not engaged

1110

01:03:05.925 --> 01:03:09.865

for either party, um, there would not be

1111

01:03:10.525 --> 01:03:12.985

any amendments to make to authorization

1112

01:03:13.005 --> 01:03:15.665

for compulsory acquisition, um,

1113

01:03:15.665 --> 01:03:18.145

because we're not seeking to acquire

1114

01:03:19.045 --> 01:03:22.785

any third party interest in, in Crown Land, um,

1115

01:03:24.035 --> 01:03:28.135

in the event that consent is not obtained under section

1116

01:03:28.635 --> 01:03:33.215

1 3 5 2, uh, the consent mechanism

1117

01:03:33.215 --> 01:03:37.775

that's in the draft order in Article 50 may need

1118

01:03:37.775 --> 01:03:41.895

to be relied upon in due course, should it be necessary to

1119

01:03:43.075 --> 01:03:46.055

use land, uh, and carry out works.

1120

01:03:46.115 --> 01:03:47.855

For example, in relation

1121

01:03:47.855 --> 01:03:50.695

to land in which the relevant crown body has an interest,

1122

01:03:51.275 --> 01:03:54.135

the applicant very much wants to secure

1123

01:03:54.135 --> 01:03:57.015

that consent in advance of making the order rather than have

1124

01:03:57.015 --> 01:03:59.735

to uh, rely on the Article 50 process,

1125

01:03:59.835 --> 01:04:01.495

but the Article 50 process is there.

1126

01:04:03.155 --> 01:04:06.635

Okay, thank you. Um,

1127

01:04:06.745 --> 01:04:10.155

also just on the Crown Land plans, would it be possible

1128

01:04:10.155 --> 01:04:13.275

to distinguish the Crown Authority interests in respect

1129

01:04:13.275 --> 01:04:16.875

of the plots, uh, for example in the legend?

1130

01:04:17.535 --> 01:04:21.115

So you've got the plots showing crown land,

1131

01:04:21.135 --> 01:04:24.275

but useful just to differentiate which authority

1132

01:04:25.365 --> 01:04:27.305

has interest over which plots please.

1133

01:04:28.385 --> 01:04:30.265

Michelle Moss for the applicant? Yes sir. We can.

1134

01:04:30.525 --> 01:04:33.305

The applicant will pick that up for the next deadline. Okay,

1135

01:04:33.315 --> 01:04:34.315

Thank you.

1136

01:04:35.125 --> 01:04:37.825

Um, I have no more questions under this agenda item

1137

01:04:39.095 --> 01:04:41.115

unless anybody else has any comments.

1138

01:04:44.965 --> 01:04:46.855

Okay. I'll move on to agenda item seven,

1139

01:04:48.205 --> 01:04:49.355

which relates to funding.

1140

01:04:52.205 --> 01:04:56.315

Um, if useful perhaps just

1141

01:04:56.315 --> 01:04:57.555

to very briefly summarize

1142

01:04:57.775 --> 01:05:02.315

and advise of any updates to the funding statement please.

1143

01:05:04.585 --> 01:05:06.365

So Michelle Moss, for the applicant,

1144

01:05:07.495 --> 01:05:10.845

there aren't any express changes to the funding statement.

1145

01:05:11.745 --> 01:05:13.165

Uh, it is noted

1146

01:05:13.165 --> 01:05:17.045

however that in the previous, the latest version

1147
01:05:17.245 --> 01:05:21.365
of the statement of reasons REP 1 0 0 9

1148
01:05:22.105 --> 01:05:26.765
at paragraph 3.3 0.1, an update was

1149
01:05:27.445 --> 01:05:30.085
provided regarding the applicant's most recent

1150
01:05:30.645 --> 01:05:33.125
consolidated accounts for the year ended

1151
01:05:33.705 --> 01:05:35.805
31st of March, 2023.

1152
01:05:36.385 --> 01:05:40.485
The funding statement appends the previous year's accounts,

1153
01:05:41.345 --> 01:05:44.505
um, the applicant is perfectly happy

1154
01:05:44.565 --> 01:05:46.585
to provide the updated set,

1155
01:05:46.585 --> 01:05:50.185
but we've reported the figures, uh, total assets of

1156
01:05:50.955 --> 01:05:52.505
circa 12.5 billion

1157
01:05:52.925 --> 01:05:54.665
and net assets of circa

1158
01:05:54.665 --> 01:05:56.705
2.3 billion in the statement of reasons.

1159
01:06:01.355 --> 01:06:03.485
Okay. Sorry, are you saying the funding statements should

1160
01:06:03.485 --> 01:06:05.445

be updated to reflect that or

1161

01:06:07.705 --> 01:06:11.245

Sir, it's, it's the applicant can do so it's, it's,

1162

01:06:11.245 --> 01:06:13.965

it's a factual matter which if, um,

1163

01:06:14.065 --> 01:06:16.725

if the examining authority would like the latest accounts we

1164

01:06:16.725 --> 01:06:17.885

can, we can certainly do that.

1165

01:06:17.885 --> 01:06:18.885

That's not a problem.

1166

01:06:20.195 --> 01:06:21.995

I think it would probably be helpful.

1167

01:06:22.455 --> 01:06:24.555

So, so rather than searching for lots in lots

1168

01:06:24.555 --> 01:06:27.665

of different places for the same information,

1169

01:06:28.365 --> 01:06:29.365

That's not a Problem.

1170

01:06:29.415 --> 01:06:32.345

Okay, thank you. Um,

1171

01:06:34.085 --> 01:06:38.355

and did you want to briefly summarize, I mean we,

1172

01:06:38.545 --> 01:06:40.555

I've read the funding statement, so,

1173

01:06:40.695 --> 01:06:43.995

but it might be useful just to very briefly summarize

1174

01:06:44.165 --> 01:06:46.595

where your funding will be coming from.

1175

01:06:51.035 --> 01:06:54.545

Thank you. So Michelle Moss for the applicant, there's

1176

01:06:55.085 --> 01:06:59.305

in accordance with the CLG guidance, there's,

1177

01:06:59.305 --> 01:07:03.945

there's two aspects to the funding statement, which, um,

1178

01:07:04.375 --> 01:07:06.785

require the decision maker to be satisfied of

1179

01:07:07.525 --> 01:07:10.465

one being in relation to the funding for the delivery

1180

01:07:10.465 --> 01:07:11.705

of the proposed development.

1181

01:07:12.485 --> 01:07:16.465

And in that respect, uh, there are

1182

01:07:17.965 --> 01:07:21.825

two distinct routes, uh, by which that is to be funded.

1183

01:07:22.845 --> 01:07:26.895

The relocation part of the proposed development is

1184

01:07:26.895 --> 01:07:31.535

through the HIF funding, uh, which has been examined

1185

01:07:31.535 --> 01:07:34.415

to a large extent in the earlier issue.

1186

01:07:34.695 --> 01:07:38.775

Specific hearing number two, um, that part

1187

01:07:38.795 --> 01:07:41.975

of the proposed development which relates to catering

1188

01:07:42.195 --> 01:07:43.495

for the increased growth

1189

01:07:43.515 --> 01:07:46.135

and capacity coming from Water Beach Newtown,

1190

01:07:46.665 --> 01:07:50.135

comes from the, uh, applicant through its business as usual

1191

01:07:50.695 --> 01:07:51.975

regulatory funding

1192

01:07:54.215 --> 01:07:58.355

and specific provision has been made for that

1193

01:07:59.735 --> 01:08:02.625

in relation to the other aspects

1194

01:08:02.625 --> 01:08:04.785

of the compulsory acquisition test

1195

01:08:04.845 --> 01:08:09.825

and guidance for funding for the acquisition of, um,

1196

01:08:10.135 --> 01:08:12.945

land that funding is coming from the applicant.

1197

01:08:18.595 --> 01:08:21.465

Thank you. Um, so I've just got a couple

1198

01:08:21.465 --> 01:08:22.705

of questions around funding.

1199

01:08:22.965 --> 01:08:27.695

So, um, in regard to the applicant's response

1200

01:08:27.715 --> 01:08:30.055

to ex Q1 0.8 0.25

1201

01:08:31.035 --> 01:08:34.655
and 1.8 0.26, which indicated

1202

01:08:34.845 --> 01:08:37.335
that anticipated costs have risen due

1203

01:08:37.435 --> 01:08:38.815
to building cost inflation,

1204

01:08:41.005 --> 01:08:43.865
but that the information should remain confidential,

1205

01:08:45.525 --> 01:08:46.985
why should it remain confidential?

1206

01:08:47.365 --> 01:08:51.785
Um, noticing paragraph 17, which suggests

1207

01:08:51.785 --> 01:08:56.665
that project costs should be included in information to do

1208

01:08:56.745 --> 01:09:01.235
with funding and also do the increase cost rate

1209

01:09:01.235 --> 01:09:02.355
to all aspects of the project,

1210

01:09:02.455 --> 01:09:04.835
or is it just the wastewater treatment plant?

1211

01:09:06.715 --> 01:09:10.255
So Michelle Moss for the applicant, just first

1212

01:09:10.255 --> 01:09:14.615
of all in relation to paragraph 17 of the CLG guidance,

1213

01:09:15.755 --> 01:09:20.135
the, the requirements are is to provide as much information

1214

01:09:20.195 --> 01:09:23.055

as possible and an indication of

1215

01:09:23.075 --> 01:09:27.175

how potential shortfalls are intended to be met.

1216

01:09:27.395 --> 01:09:31.935

Um, I believe there has been some submissions which suggest

1217

01:09:32.285 --> 01:09:35.655

that there should be money in the bank or EV and all the,

1218

01:09:35.655 --> 01:09:38.215

and that the project should be fully funded at this stage,

1219

01:09:38.215 --> 01:09:42.455

which, uh, the applicant would just like to remind, um,

1220

01:09:43.215 --> 01:09:46.295

affected parties and others that that is not the test

1221

01:09:46.395 --> 01:09:49.015

or the requirement under paragraph 17.

1222

01:09:49.795 --> 01:09:52.215

Um, and and indeed it's highly unusual

1223

01:09:52.395 --> 01:09:54.495

for a major infrastructure project to be very,

1224

01:09:54.635 --> 01:09:56.255

to be fully funded at this stage.

1225

01:09:56.715 --> 01:09:59.735

Having said that, the applicant has submitted significant

1226

01:10:00.365 --> 01:10:04.415

information, significant detail as to how it is to be funded

1227

01:10:05.445 --> 01:10:07.815

with regards the particular question

1228

01:10:08.985 --> 01:10:10.775
about the confidentiality

1229

01:10:11.675 --> 01:10:15.735
and the, the measures that are being considered to deal

1230

01:10:15.735 --> 01:10:19.095
with any potential cost increases, I would like to ask Mr.

1231

01:10:19.685 --> 01:10:21.735
John Calley of the applicant to,

1232

01:10:22.195 --> 01:10:24.095
to assist the examining authority with that.

1233

01:10:25.305 --> 01:10:28.735
Hello, um, sir, um, I wasn't here this morning, so just

1234

01:10:29.275 --> 01:10:30.535
formal introductions.

1235

01:10:30.595 --> 01:10:32.855
Mr. John Corman, I'm a chartered surveyor

1236

01:10:33.195 --> 01:10:36.735
and the group property director for Anglia Water.

1237

01:10:37.285 --> 01:10:42.145
Okay, thank you. Um, in terms of, of of

1238

01:10:42.245 --> 01:10:46.945
of costs, we are not immune, uh, from cost inflation

1239

01:10:47.165 --> 01:10:48.745
as there's a challenge

1240

01:10:48.765 --> 01:10:51.665
for most major infrastructure projects at the moment,

1241

01:10:51.725 --> 01:10:53.145

and we acknowledge that.

1242

01:10:53.445 --> 01:10:56.625
Um, but we are in a process of

1243

01:10:57.295 --> 01:11:00.785
achieving best value both for us, the city council

1244

01:11:01.005 --> 01:11:05.705
and homes, England, and are developing our, our, our,

1245

01:11:05.805 --> 01:11:07.345
our, our strategy,

1246

01:11:07.925 --> 01:11:12.105
but in terms of engaging with the, the, the, the, uh,

1247

01:11:12.205 --> 01:11:14.245
supply chain and our preferred suppliers.

1248

01:11:14.545 --> 01:11:16.045
Um, but,

1249

01:11:16.265 --> 01:11:17.605
but at this stage,

1250

01:11:17.815 --> 01:11:22.045
those are commercial discussions I think is, is why I wish

1251

01:11:22.045 --> 01:11:23.445
to keep them confidential,

1252

01:11:23.865 --> 01:11:26.205
but I would say that we are totally confident that,

1253

01:11:26.275 --> 01:11:29.525
that we can meet those increased costs.

1254

01:11:29.985 --> 01:11:32.605
The quantum of those at the moment is, is, is, is,

1255

01:11:32.625 --> 01:11:33.885
is still being developed.

1256

01:11:34.545 --> 01:11:38.175
Um, what what I think we should

1257

01:11:39.765 --> 01:11:41.755
understand is that the, the,

1258

01:11:42.635 --> 01:11:45.615
we still have a detailed design process to go through.

1259

01:11:46.385 --> 01:11:49.045
We still have a value engineering process to go through.

1260

01:11:50.105 --> 01:11:54.595
Um, we do hold appropriate contingencies,

1261

01:11:55.015 --> 01:11:57.835
um, and we are continuing to monitor that, that

1262

01:11:58.025 --> 01:11:59.035
that situation.

1263

01:11:59.495 --> 01:12:01.675
Uh, it's the same with any other sort

1264

01:12:01.675 --> 01:12:03.875
of major infrastructure projects at the moment.

1265

01:12:04.065 --> 01:12:05.555
It's, it's, it's an ongoing process.

1266

01:12:06.335 --> 01:12:10.595
Um, we have advanced contractual negotiations,

1267

01:12:11.045 --> 01:12:14.755
which are a key part, um, of, of, of cost

1268

01:12:14.775 --> 01:12:16.995

and uh, uh, expenditure profile.

1269

01:12:17.495 --> 01:12:20.275

Um, and, and believe that those have got

1270

01:12:20.275 --> 01:12:21.395

to the appropriate stage

1271

01:12:22.695 --> 01:12:24.995

for this stage in the, in the DCO process.

1272

01:12:25.575 --> 01:12:27.755

But there is going to be more work involved

1273

01:12:27.815 --> 01:12:29.835

before we actually award a contract.

1274

01:12:29.855 --> 01:12:32.395

And that contract is unlikely to be awarded until

1275

01:12:32.645 --> 01:12:34.515

after the DCO is actually granted.

1276

01:12:34.815 --> 01:12:37.955

That's a key condition to, to taking this,

1277

01:12:38.025 --> 01:12:39.475

this, this project forward.

1278

01:12:40.055 --> 01:12:44.415

Um, however, we maintain flexibility, um,

1279

01:12:44.715 --> 01:12:47.855

whilst we have a preferred supply chain, we're not committed

1280

01:12:47.855 --> 01:12:50.655

to them at this stage and there's the opportunity for us to,

1281

01:12:50.755 --> 01:12:55.575

to, uh, split the contract, deal with other suppliers,

1282

01:12:55.685 --> 01:12:58.255

deal with the, the procurement in a different way.

1283

01:12:58.915 --> 01:13:03.495

Um, and it's incumbent upon us, uh, the city council

1284

01:13:03.545 --> 01:13:05.095

where public bodies homes,

1285

01:13:05.095 --> 01:13:08.855

England is a contractual responsibility to deliver value

1286

01:13:08.855 --> 01:13:09.935

for money from this project.

1287

01:13:10.155 --> 01:13:12.935

And therefore we would ask you to, to,

1288

01:13:13.035 --> 01:13:16.215

to respect the confidential nature of those discussions as

1289

01:13:16.315 --> 01:13:18.255

as we seek to achieve that over the course

1290

01:13:18.275 --> 01:13:20.535

of the next 12, 15 months.

1291

01:13:25.225 --> 01:13:28.955

Okay. Uh, but paragraph 17 of the guidance says that

1292

01:13:30.205 --> 01:13:31.625

you should give as much information

1293

01:13:31.625 --> 01:13:34.145

as possible about the resource implications

1294

01:13:34.145 --> 01:13:36.425

of both acquiring the land and implementing the project.

1295

01:13:36.645 --> 01:13:37.785

So Yep.

1296

01:13:38.125 --> 01:13:39.705

Why can't you tell us how much it would cost

1297

01:13:39.705 --> 01:13:42.665

to implement the project and give us a breakdown of

1298

01:13:42.665 --> 01:13:45.465

that cost into the wastewater stream, plant

1299

01:13:46.765 --> 01:13:49.585

and other elements of it in accordance with that guidance?

1300

01:13:50.805 --> 01:13:53.825

We don't have those final figures at the moment and,

1301

01:13:53.965 --> 01:13:58.905

and in, in terms of our, uh, procurement strategy, um,

1302

01:13:59.885 --> 01:14:01.905

uh, it's important that,

1303

01:14:02.095 --> 01:14:05.665

that we don't give the supply chain a target to aim for in,

1304

01:14:05.725 --> 01:14:06.825

in, in simple terms.

1305

01:14:07.165 --> 01:14:10.225

Um, we believe, and it's our experience

1306

01:14:10.225 --> 01:14:11.885

and it's experience of the city council

1307

01:14:11.985 --> 01:14:16.245

and Dto England, that, that, that those, those we,

1308

01:14:16.345 --> 01:14:18.965

we maximize competitive tension, which is

1309

01:14:18.965 --> 01:14:22.685

what negotiations are all about by maintaining a degree

1310

01:14:22.685 --> 01:14:25.525

of confidentiality at this stage in terms of the first part

1311

01:14:25.525 --> 01:14:27.285

of the question, there's, there's no issue with, with,

1312

01:14:27.435 --> 01:14:28.765

with the commitment

1313

01:14:28.785 --> 01:14:32.365

and you understand, um, uh, how much, uh,

1314

01:14:32.895 --> 01:14:35.885

we've set aside for, for, for the acquisition of the land.

1315

01:14:36.185 --> 01:14:37.565

And we are committed to doing that.

1316

01:14:37.625 --> 01:14:39.085

And that's, that's business as usual.

1317

01:14:39.185 --> 01:14:40.525

We have no issue with that at all,

1318

01:14:40.945 --> 01:14:44.205

but at this stage, a sensitive stage in our negotiations,

1319

01:14:44.265 --> 01:14:49.005

we would like, uh, for the panel to, to, to,

1320

01:14:49.065 --> 01:14:51.525

to respect the, the sensitivities

1321

01:14:51.525 --> 01:14:53.725

and the confidentiality of those negotiations.

1322

01:14:57.745 --> 01:15:01.465

I think the, the point we need to be comfortable with is

1323

01:15:01.495 --> 01:15:04.265
that there is sufficient money there

1324

01:15:04.645 --> 01:15:09.585
and that you've obviously got the, the maximum HF amount,

1325

01:15:09.645 --> 01:15:11.705
the 2, 2 7, um,

1326

01:15:11.925 --> 01:15:14.385
that's stated in the application documentation.

1327

01:15:15.125 --> 01:15:17.505
And our concern is whether

1328

01:15:18.255 --> 01:15:20.585
that may be significantly overshot

1329

01:15:20.585 --> 01:15:22.465
because of cost inflation.

1330

01:15:22.765 --> 01:15:25.345
Now, the application documentation

1331

01:15:25.445 --> 01:15:28.555
and for example, the H documents

1332

01:15:28.555 --> 01:15:31.675
that were submitted at Deadline three, um,

1333

01:15:32.145 --> 01:15:34.275
they have been partially redacted

1334

01:15:34.295 --> 01:15:38.475
and give a range of from redacted to two,

1335

01:15:38.475 --> 01:15:39.875
two 7 million.

1336

01:15:40.735 --> 01:15:45.065

And I guess, can you help us any further with that?

1337

01:15:45.205 --> 01:15:46.545

Not necessarily the range,

1338

01:15:46.685 --> 01:15:49.225

but whether you are sitting in the middle of the range

1339

01:15:49.285 --> 01:15:50.705

or at the top end of the range,

1340

01:15:50.805 --> 01:15:54.905

and whether there is any headroom within the identified

1341

01:15:54.905 --> 01:15:57.785

funding to, um, account

1342

01:15:57.805 --> 01:15:59.505

for things like build cost inflation.

1343

01:15:59.995 --> 01:16:03.465

There is, um, little headroom in the 2, 2 7

1344

01:16:03.525 --> 01:16:04.665

as we see it at the moment.

1345

01:16:06.035 --> 01:16:09.295

Um, we are working very hard with our partners,

1346

01:16:09.555 --> 01:16:13.575

Holmes England, the city council, who are all part

1347

01:16:13.575 --> 01:16:17.135

of this arrangement, uh, to, to understand

1348

01:16:17.275 --> 01:16:19.495

how any cost overrun could be met.

1349

01:16:20.115 --> 01:16:23.135

Um, the preferred option has been identified.

1350

01:16:23.635 --> 01:16:28.335

We would expect to be able to update the, the panel, um, uh,

1351

01:16:29.045 --> 01:16:31.015

late before the end of the examination.

1352

01:16:31.035 --> 01:16:34.695

On, on progress. We have made, essentially just to, to,

1353

01:16:34.755 --> 01:16:36.775

to put you, uh, to give you a steer,

1354

01:16:36.945 --> 01:16:38.375

there is considerable value

1355

01:16:38.435 --> 01:16:41.095

as you would understand in the development of the pro of,

1356

01:16:41.095 --> 01:16:45.975

of, of, of, of the core site of hartery, uh, eventually, um,

1357

01:16:46.325 --> 01:16:50.335

that, that, that, that future land value is, is, is,

1358

01:16:50.475 --> 01:16:53.015

is the area that cost overruns

1359

01:16:53.015 --> 01:16:54.935

and the contract allows for cost overruns

1360

01:16:54.935 --> 01:16:57.015

and that mechanism to, to get in.

1361

01:16:57.435 --> 01:17:01.375

Um, and, and, and that is where the preferred solution to

1362

01:17:01.375 --> 01:17:03.775

what we're talking about is, is is going to come from.

1363

01:17:03.995 --> 01:17:07.095

But how certain can you be about that land value when

1364

01:17:08.055 --> 01:17:09.405

applying permission hasn't been granted?

1365

01:17:09.985 --> 01:17:12.205

The amount of social housing, for example,

1366

01:17:12.375 --> 01:17:13.805

isn't known at this present time.

1367

01:17:14.125 --> 01:17:17.965

I think we, we can be the, the, uh, well, I mean we,

1368

01:17:18.105 --> 01:17:21.125

we will be looking to secure potentially forward sales

1369

01:17:21.705 --> 01:17:23.245

and we would be looking potentially

1370

01:17:23.245 --> 01:17:25.645

to look at commercial loans, et cetera.

1371

01:17:25.645 --> 01:17:28.725

Those are auction that are on the table to, to, to look at.

1372

01:17:29.185 --> 01:17:33.325

Um, and you also have, have, have had Holmes England's, uh,

1373

01:17:35.005 --> 01:17:37.485

evidence, uh, uh, the last examination, and,

1374

01:17:37.585 --> 01:17:40.365

and I, I think there could be no doubting Peter Denton's

1375

01:17:40.565 --> 01:17:42.205

enthusiasm and support for the project.

1376

01:17:42.745 --> 01:17:45.365

Uh, so other sources of funding may be available

1377

01:17:45.435 --> 01:17:46.765
outside of those two options.

1378

01:17:50.425 --> 01:17:53.685
So in your response to X Q1 0.8, 0.25

1379

01:17:54.105 --> 01:17:56.165
and two six, you indicate that you're confident that

1380

01:17:56.165 --> 01:17:57.645
that a mechanism would be available

1381

01:17:57.705 --> 01:17:59.325
during the examination Yep.

1382

01:17:59.625 --> 01:18:03.195
To secure the additional funding, um, in respect

1383

01:18:03.195 --> 01:18:07.155
to the proposed waste force stream plant element, um,

1384

01:18:07.975 --> 01:18:09.595
has this become available and if not,

1385

01:18:09.595 --> 01:18:11.955
when do you expect this and in what form would it

1386

01:18:11.955 --> 01:18:14.995
Take The target, the target of the stakeholders is to, to

1387

01:18:15.135 --> 01:18:19.115
to, to reach a position that we could explain, uh, to you,

1388

01:18:19.415 --> 01:18:21.995
uh, to the panel before the end of the examination.

1389

01:18:22.135 --> 01:18:23.555
We would hope to do that sooner

1390

01:18:24.775 --> 01:18:26.755

If We're working very hard

1391

01:18:27.375 --> 01:18:29.595

and, uh, uh, uh, between us all

1392

01:18:29.695 --> 01:18:32.155

and all options are being considered as you would expect

1393

01:18:33.295 --> 01:18:36.395

If you are to rely on uplifting land value

1394

01:18:36.705 --> 01:18:37.995

from the existing land.

1395

01:18:38.295 --> 01:18:42.835

Um, why, why did you need

1396

01:18:42.835 --> 01:18:44.675

to apply for money to

1397

01:18:45.595 --> 01:18:47.715

relocate the wastewater treatment plant?

1398

01:18:48.215 --> 01:18:52.835

Why wouldn't you be using that uplift to, to fund that?

1399

01:18:53.385 --> 01:18:56.875

Because the, the, the, the good question.

1400

01:18:58.095 --> 01:19:01.435

Uh, we go back to first principles in the, the, the,

1401

01:19:01.735 --> 01:19:03.515

the funding, uh,

1402

01:19:03.525 --> 01:19:06.875

would not have been available from market sources in the

1403

01:19:06.875 --> 01:19:09.155

conventional way at that particular point in time.

1404

01:19:09.615 --> 01:19:13.635

And the whole principle of the HIF, uh, grant is

1405

01:19:13.635 --> 01:19:16.395

to unblock A-A-A-A market failure

1406

01:19:16.895 --> 01:19:20.275

and the upfront costs involved in the relocation

1407

01:19:20.795 --> 01:19:23.195

balanced against, but we have moved down the,

1408

01:19:23.255 --> 01:19:24.395

the, the risk profile.

1409

01:19:24.395 --> 01:19:27.915

Now we're a lot closer to, to, to, to where we need

1410

01:19:27.915 --> 01:19:32.475

to be in terms of, of, of, of progress with the DC0,

1411

01:19:32.705 --> 01:19:37.275

with the a a p, with pairing for the planning, uh,

1412

01:19:37.305 --> 01:19:40.875

application, et cetera, than we were three,

1413

01:19:40.875 --> 01:19:43.395

four years ago when this project first came off the, uh,

1414

01:19:43.415 --> 01:19:44.835

off, off, off of the blocks.

1415

01:19:45.175 --> 01:19:46.715

So on that basis, are you able

1416

01:19:46.815 --> 01:19:50.555

to give us some idea about the amount of money

1417

01:19:50.585 --> 01:19:54.195

that would be available from the uplift so that we can, uh,

1418

01:19:54.435 --> 01:19:56.795

consider whether it's a, a wafer thin margin

1419

01:19:56.935 --> 01:19:59.275

or whether there's a comfortable margin to

1420

01:19:59.985 --> 01:20:01.835

accommodate any cost overruns?

1421

01:20:02.855 --> 01:20:07.165

Um, I think, I think it, it's, it's, it's, uh,

1422

01:20:10.535 --> 01:20:13.935

sufficient contingency is being built in to cover off

1423

01:20:15.005 --> 01:20:17.375

when we come back and we've worked through the options.

1424

01:20:17.655 --> 01:20:20.455

I think we can give you that, that, that that confidence

1425

01:20:20.685 --> 01:20:22.895

that if this project is to proceed, yeah,

1426

01:20:23.035 --> 01:20:25.615

we will have sufficient funding to, to, to to,

1427

01:20:25.715 --> 01:20:27.455

to, uh, deliver it.

1428

01:20:29.715 --> 01:20:32.215

So is it reasonable to assume that

1429

01:20:32.875 --> 01:20:36.515

you would need the whole of the HIF fund to Yes.

1430

01:20:36.665 --> 01:20:39.075

Yeah. Yeah. So the project would cost at least

1431

01:20:39.815 --> 01:20:41.275

227 million Yeah.

1432

01:20:41.615 --> 01:20:43.115

For the wastewater stream plant element?

1433

01:20:43.385 --> 01:20:44.795

Well, it, no, for the whole project.

1434

01:20:46.065 --> 01:20:48.035

When you say the wastewater plant

1435

01:20:48.425 --> 01:20:50.275

Well excluded the water beach pipeline.

1436

01:20:50.455 --> 01:20:51.875

Oh, it's, sorry. Excluding the water

1437

01:20:51.875 --> 01:20:53.355

beach pipeline. Yes. Yep. Yes.

1438

01:20:54.135 --> 01:20:56.035

So it'd be at least 227.

1439

01:20:56.935 --> 01:20:58.715

That's the maximum you can get from HF.

1440

01:20:58.775 --> 01:21:00.835

So any additional you need to find from elsewhere?

1441

01:21:01.145 --> 01:21:05.395

Well, it's, it's the parties to the h under the contract

1442

01:21:05.975 --> 01:21:09.355

are acting in good faith to, to, to, to,

1443

01:21:09.415 --> 01:21:10.715

to release extra funding.

1444

01:21:20.965 --> 01:21:22.935

Okay. So you mentioned that angling water,

1445

01:21:23.395 --> 01:21:27.735

the board has approved the ring fencing of 222.5 million

1446

01:21:28.475 --> 01:21:31.135

in relation to future additional treatment capacity.

1447

01:21:31.895 --> 01:21:33.215

I think you mentioned that in response

1448

01:21:33.275 --> 01:21:34.495

to a written question.

1449

01:21:35.835 --> 01:21:37.975

Um, should the funding state

1450

01:21:37.995 --> 01:21:41.135

or could the funding statement be updated to reflect this?

1451

01:21:42.315 --> 01:21:43.315

To specify that?

1452

01:21:44.455 --> 01:21:44.575

I,

1453

01:21:49.445 --> 01:21:51.125

I thought, because again, that's from future,

1454

01:21:51.825 --> 01:21:55.755

that's from a future pot if you like, rather than

1455

01:21:57.845 --> 01:21:59.355

money that you have at the moment.

1456

01:22:03.035 --> 01:22:05.975

So Michelle Moss for the applicant, the reference

1457

01:22:05.995 --> 01:22:10.655

to the 22.5 million is in the funding statement at

1458

01:22:10.655 --> 01:22:12.175
paragraph 3.1 0.7.

1459

01:22:12.925 --> 01:22:14.895
Yeah. So you, I think you said that you were hoping

1460

01:22:15.525 --> 01:22:16.815
that you, you were confident,

1461

01:22:16.835 --> 01:22:18.575
but in answer to the written questions,

1462

01:22:18.575 --> 01:22:22.055
you said it's specifically been ring-fenced, so

1463

01:22:22.055 --> 01:22:25.525
that sounds like it's more likely

1464

01:22:25.625 --> 01:22:28.005
to happen if it's actually been ring-fenced.

1465

01:22:31.455 --> 01:22:33.195
So Michelle Mos for the applicant, we'll,

1466

01:22:33.195 --> 01:22:35.315
we'll take a look at the wording and, and see if that,

1467

01:22:35.705 --> 01:22:36.705
Okay, thank You. Needs,

1468

01:22:36.705 --> 01:22:38.195
needs altering, I can't put

1469

01:22:38.195 --> 01:22:39.235
my finger on it immediately.

1470

01:22:39.775 --> 01:22:44.435
Um, the, the short position is it, it hasn't altered in

1471

01:22:44.435 --> 01:22:46.075
that respect since funding agreement,

1472

01:22:46.245 --> 01:22:49.115
we've perhaps just used slightly different language.

1473

01:22:49.185 --> 01:22:52.395
Okay. Um, however, if we're updating the fund,

1474

01:22:52.455 --> 01:22:54.515
if the applicant's updating the funding statement in

1475

01:22:54.715 --> 01:22:57.555
relation to the accounts, then we can, uh,

1476

01:22:57.705 --> 01:22:58.715
take a look at that point.

1477

01:22:59.585 --> 01:23:02.915
Okay. And you say to response to AQ 1.8 point 30,

1478

01:23:03.905 --> 01:23:06.315
that the war speech pipeline element would be funded

1479

01:23:06.315 --> 01:23:08.355
through the regulatory funding cycle

1480

01:23:09.695 --> 01:23:13.395
and was originally allocated in the 2020 to 2025 budget.

1481

01:23:14.265 --> 01:23:16.755
However, given timings, it's now formed part

1482

01:23:16.755 --> 01:23:19.835
of your draft business plan for the next period, 2025

1483

01:23:19.835 --> 01:23:24.115
to 2030 price review, which has been submitted to off what?

1484

01:23:25.495 --> 01:23:28.315

Um, it's also my understanding that compulsory acquisition

1485

01:23:28.735 --> 01:23:32.395

and compensation costs would be part of that too.

1486

01:23:33.095 --> 01:23:34.995

Uh, when's that likely to be determined?

1487

01:23:35.015 --> 01:23:37.075

By off, what and how certain can you be

1488

01:23:37.075 --> 01:23:38.995

that all necessary funding would be approved?

1489

01:23:44.195 --> 01:23:45.975

Uh, John, me for the applicant.

1490

01:23:46.275 --> 01:23:51.215

Um, the, if I take the second part, the, the, the, the,

1491

01:23:53.555 --> 01:23:55.615

the cost of the acquisition is not part

1492

01:23:55.615 --> 01:23:56.695

of the regulatory funding.

1493

01:23:56.835 --> 01:23:59.695

That's, it's, uh, that's our responsibility that is not

1494

01:24:00.335 --> 01:24:02.535

dependent on, on future regulatory funding.

1495

01:24:08.605 --> 01:24:09.785

So where does that have you?

1496

01:24:09.785 --> 01:24:12.185

Where does that, where does the 5 million come from?

1497

01:24:12.565 --> 01:24:15.505

We have that sitting that's comes out of

1498

01:24:16.145 --> 01:24:17.405
our balance sheet, if you like.

1499

01:24:17.405 --> 01:24:20.405
That is a commitment from Anglin water as a, as a,

1500

01:24:20.405 --> 01:24:23.205
as a statutory undertaker that we will fund that, that,

1501

01:24:23.355 --> 01:24:24.645
that piece of work.

1502

01:24:24.855 --> 01:24:25.925
Right. Okay. Yeah.

1503

01:24:28.285 --> 01:24:32.545
The 22.5, um, the way the, the

1504

01:24:33.385 --> 01:24:38.185
regulatory funding works is we have an allowance,

1505

01:24:39.545 --> 01:24:43.165
uh, granted to the company as a whole to deal with growth.

1506

01:24:43.965 --> 01:24:47.965
The water, beef beach pipeline is part of that, that, that,

1507

01:24:48.075 --> 01:24:51.355
that, uh, growth requirement.

1508

01:24:51.935 --> 01:24:54.555
Um, so we are under a, a, uh,

1509

01:24:55.075 --> 01:24:56.795
a statutory obligation if you like,

1510

01:24:56.855 --> 01:24:58.835
to provide that connectivity.

1511

01:24:59.305 --> 01:25:02.195

This is the, uh, best value

1512

01:25:02.335 --> 01:25:04.355
for our customers doing it this way.

1513

01:25:04.895 --> 01:25:08.995
Um, and, and therefore it's part of a much bigger pot.

1514

01:25:08.995 --> 01:25:10.995
There can be no doubt that the, the funding

1515

01:25:11.135 --> 01:25:14.075
for growth will be, uh, available to us.

1516

01:25:14.455 --> 01:25:16.395
Um, it's just a question of,

1517

01:25:16.575 --> 01:25:18.395
of making sure it's ring fenced,

1518

01:25:18.395 --> 01:25:20.675
which is the terminology within that pot,

1519

01:25:20.855 --> 01:25:22.275
and that's, that's the commitment

1520

01:25:22.275 --> 01:25:23.475
we're giving in the funding stake.

1521

01:25:24.465 --> 01:25:28.435
Okay. As 'cause from our point of view, if you go ahead

1522

01:25:28.435 --> 01:25:29.515
with compulsory acquisition

1523

01:25:29.515 --> 01:25:31.475
and then the funding doesn't come through Sure.

1524

01:25:31.735 --> 01:25:34.955
For the project, yeah. Then that's the problem.

1525

01:25:35.055 --> 01:25:39.695

So you are, but you are seeking money from a future pot.

1526

01:25:39.755 --> 01:25:44.215

So I'm saying how certain, how certain can we be if it's,

1527

01:25:44.395 --> 01:25:45.935

you know, it's passed for draft nine

1528

01:25:45.935 --> 01:25:47.495

99% certain.

1529

01:25:47.765 --> 01:25:48.765

Yeah.

1530

01:25:50.105 --> 01:25:52.835

Okay. And you also mentioned that I, uh,

1531

01:25:52.845 --> 01:25:54.035

issue specific hearing too.

1532

01:25:54.035 --> 01:25:56.515

There was some flexibility in the HF funding

1533

01:25:56.625 --> 01:25:58.475

regarding the delivery timescales.

1534

01:25:59.335 --> 01:26:02.715

Um, and the March 20, 28 date was, seems

1535

01:26:02.715 --> 01:26:03.805

to be fairly indicative.

1536

01:26:04.585 --> 01:26:06.405

Um, can you confirm this is still the case

1537

01:26:07.695 --> 01:26:09.075

and perhaps give an indication

1538

01:26:09.095 --> 01:26:13.235

of any expected timescales for delivery? Now,

1539

01:26:13.735 --> 01:26:16.155

The March 28th date is still our target.

1540

01:26:16.695 --> 01:26:19.035

Um, it's all part of that part

1541

01:26:19.035 --> 01:26:21.035

of moving into the delivery phase.

1542

01:26:21.495 --> 01:26:24.395

We agree with Holmes England, what those milestones

1543

01:26:24.415 --> 01:26:26.195

and what that timeframe is going to be.

1544

01:26:26.935 --> 01:26:29.515

The starting point of that is obviously, um,

1545

01:26:30.065 --> 01:26:32.275

post DCO grunt.

1546

01:26:32.455 --> 01:26:35.075

Um, so there's a little bit of uncertainty at the moment as

1547

01:26:35.075 --> 01:26:37.355

to when that's going to be, but at the moment we still

1548

01:26:37.395 --> 01:26:41.675

envisage being able to fulfill that timetable, um, uh,

1549

01:26:42.175 --> 01:26:45.395

as, as, as set out, albeit it is only indicative.

1550

01:26:46.385 --> 01:26:47.995

Okay. Thank you.

1551

01:26:48.335 --> 01:26:51.195

Um, and in terms of the, the HIF fund, um,

1552
01:26:51.285 --> 01:26:55.195
could you clarify, well, you, you've kind

1553
01:26:55.195 --> 01:26:57.195
of clarified the cost of the wastewater stream plant,

1554
01:26:57.195 --> 01:27:01.375
it would be at least 2020 227 million.

1555
01:27:02.235 --> 01:27:06.095
Um, the question was if the proposed option was not the

1556
01:27:06.095 --> 01:27:08.725
highest cost option, but would cost

1557
01:27:08.745 --> 01:27:11.525
as much whether all the HIF grant is available.

1558
01:27:12.225 --> 01:27:15.655
So the 2, 2 7, as we understand it was

1559
01:27:15.655 --> 01:27:19.095
for a higher cost option, this was a lower cost option.

1560
01:27:19.195 --> 01:27:21.455
So therefore would all the two,

1561
01:27:21.475 --> 01:27:23.655
two 7 million be available regardless,

1562
01:27:23.675 --> 01:27:26.455
That's the whole 2, 2 7 is available for this, this

1563
01:27:26.455 --> 01:27:27.455
Option. Okay,

1564
01:27:27.455 --> 01:27:29.215
thank you.

1565
01:27:31.125 --> 01:27:33.625

Um, have there been any changes which may affect the

1566

01:27:33.625 --> 01:27:35.585

estimated compensation costs of 5 million?

1567

01:27:35.645 --> 01:27:38.225

For example, land increase in land values,

1568

01:27:41.255 --> 01:27:43.235

Uh, Kurt McDermott for the applicant?

1569

01:27:43.895 --> 01:27:46.275

Um, since the inception of project,

1570

01:27:46.805 --> 01:27:48.955

we've been maintaining a property cost estimate.

1571

01:27:49.255 --> 01:27:51.515

Um, this is an estimate of the statute compensation

1572

01:27:51.515 --> 01:27:54.875

that we would assume would be payable to all parties.

1573

01:27:55.615 --> 01:27:59.395

And, um, that was last updated about six months ago.

1574

01:27:59.935 --> 01:28:01.715

And in short, no,

1575

01:28:01.715 --> 01:28:03.635

we're not anticipating there's be any changes to that.

1576

01:28:05.025 --> 01:28:08.585

Okay. Thank you. Um,

1577

01:28:08.605 --> 01:28:11.265

and how would any blight claims be funded, um,

1578

01:28:12.685 --> 01:28:15.065

and what would be the potential for these to arise given

1579

01:28:15.065 --> 01:28:18.185

that blight claims are not included in that 5 million,

1580

01:28:19.695 --> 01:28:21.595

Uh, Kurt McDermott on behalf of the applicant?

1581

01:28:21.775 --> 01:28:23.835

Uh, if I may tackle the, the second question,

1582

01:28:24.035 --> 01:28:26.235

'cause I think the funding aspect's slightly different to,

1583

01:28:26.375 --> 01:28:27.955

to what I've been undertaking.

1584

01:28:28.695 --> 01:28:31.395

Um, again, on behalf of the applicant, we've

1585

01:28:32.015 --> 01:28:35.605

undertaken an assessment of what we would consider to be a,

1586

01:28:35.605 --> 01:28:40.205

the eligibility of a party to make a blight claim,

1587

01:28:41.025 --> 01:28:44.725

and secondly, were they able to what we think

1588

01:28:45.035 --> 01:28:47.445

that conversation entitlement might look like

1589

01:28:48.265 --> 01:28:52.005

and having been through the entitlement, uh,

1590

01:28:52.005 --> 01:28:54.485

and given that consideration, we were not of the view

1591

01:28:54.605 --> 01:28:56.685

that there would be any parties that would be able

1592

01:28:56.685 --> 01:28:58.445

to serve a statute like notice.

1593

01:28:59.925 --> 01:29:04.655

However, we have included a sum, um, uh, if you like,

1594

01:29:04.695 --> 01:29:08.865

a contingency sum of 1.2 million pounds in the

1595

01:29:08.865 --> 01:29:10.425

funding statement.

1596

01:29:11.395 --> 01:29:15.805

Should a party make a, an application or,

1597

01:29:15.805 --> 01:29:18.925

or serve aight notice and it be successful,

1598

01:29:21.685 --> 01:29:24.065

And where does that contingency come from?

1599

01:29:25.495 --> 01:29:27.595

So Michelle Moss for the applicant, um,

1600

01:29:29.135 --> 01:29:33.675

as confirmed in paragraph 4.1, 0.8 of the funding statement

1601

01:29:33.985 --> 01:29:36.635

that comes from, would come from the applicant's own funds.

1602

01:29:40.795 --> 01:29:41.885

Okay. Thank you. Um,

1603

01:29:41.995 --> 01:29:44.325

they're all the questions I had under this agenda item.

1604

01:29:45.235 --> 01:29:49.305

Does anybody else wish to? Yes, please, Mr. Gilder?

1605

01:29:52.405 --> 01:29:55.395

Thank you, Sarah. I'm, I'm sure you were anticipating

1606
01:29:55.395 --> 01:29:58.995
that I hadn't sat here all day for merely for my enjoyment,

1607
01:29:59.215 --> 01:30:01.555
um, because in many respects

1608
01:30:01.555 --> 01:30:04.955
that the funding was the reason SHH are here today.

1609
01:30:05.375 --> 01:30:08.235
Um, and I would like to go back really

1610
01:30:10.455 --> 01:30:12.515
across the questions that you've asked, sir,

1611
01:30:12.625 --> 01:30:13.835
without repeating them.

1612
01:30:14.375 --> 01:30:18.995
Um, clearly the fundamental position in relation

1613
01:30:18.995 --> 01:30:22.915
to the compulsory acquisition guidelines is

1614
01:30:23.065 --> 01:30:26.475
that this is in effect a freestanding project

1615
01:30:26.615 --> 01:30:29.315
that's being funded through these complex

1616
01:30:29.315 --> 01:30:33.355
of joint venture agreements by the HIF fund, which

1617
01:30:33.355 --> 01:30:36.435
as you've rightly said to is a, is a ring fence,

1618
01:30:36.505 --> 01:30:38.755
cash sum in 2018 prices.

1619
01:30:39.495 --> 01:30:41.075

Um, and that is quite important.

1620

01:30:41.695 --> 01:30:45.515

Um, it's not a situation as Mr.

1621

01:30:45.615 --> 01:30:47.115

Calley suggested where,

1622

01:30:47.615 --> 01:30:50.395

and I've been involved in many major infrastructure projects

1623

01:30:50.395 --> 01:30:53.395

where clearly the full availability of funding

1624

01:30:53.395 --> 01:30:57.355

through future government funding streams, for example,

1625

01:30:57.605 --> 01:30:59.555

isn't, isn't specified at the time

1626

01:30:59.785 --> 01:31:01.075

that the order is granted.

1627

01:31:01.615 --> 01:31:04.195

Um, you have an expectation that it will be available,

1628

01:31:04.255 --> 01:31:07.235

but you don't have necessarily chapter in verse,

1629

01:31:07.255 --> 01:31:10.075

and it's not a ring fence sum in this context.

1630

01:31:10.545 --> 01:31:12.555

Leaving aside the Water Beach pipeline

1631

01:31:12.655 --> 01:31:17.005

and the, um, additional treatment capacity, um,

1632

01:31:17.185 --> 01:31:21.645

for Water Beach, the funding is controlled entirely through

1633
01:31:22.385 --> 01:31:23.445
the H arrangement,

1634
01:31:23.985 --> 01:31:26.725
and indeed, the applicant has been very clear in the past

1635
01:31:26.795 --> 01:31:31.045
that it cannot dip into the regulated asset business

1636
01:31:31.045 --> 01:31:34.205
and its, its customer's pockets, um,

1637
01:31:34.505 --> 01:31:35.965
to pay for this investment.

1638
01:31:36.745 --> 01:31:40.325
Um, and it's a very obvious point which you've been

1639
01:31:40.525 --> 01:31:44.285
pursuing, sir, that, um, a figure

1640
01:31:44.285 --> 01:31:47.685
of 227 million, which I'll come back to in a minute, um,

1641
01:31:48.025 --> 01:31:52.525
was specified in the grant agreements in 20 18, 20 19.

1642
01:31:53.175 --> 01:31:57.125
We've already been through a very substantial period of, um,

1643
01:31:57.685 --> 01:31:58.765
construction cost inflation.

1644
01:31:59.305 --> 01:32:02.805
Um, it may be, it may be easing now, it may not be.

1645
01:32:03.305 --> 01:32:05.485
Um, and I really do believe that,

1646
01:32:05.625 --> 01:32:08.815

and that it's very important that we get to the bottom

1647

01:32:08.835 --> 01:32:11.375

of the question of whether there are sufficient

1648

01:32:11.375 --> 01:32:12.975

funds to support this.

1649

01:32:13.475 --> 01:32:18.225

Um, I understand some of the concerns around not, uh,

1650

01:32:18.935 --> 01:32:20.905

putting too much information in the hands

1651

01:32:20.925 --> 01:32:22.025

of future tenderers,

1652

01:32:22.045 --> 01:32:24.505

but as you'll be aware, sir, it's a normal

1653

01:32:25.065 --> 01:32:28.585

situation in relation to a lot of these projects that as far

1654

01:32:28.585 --> 01:32:32.315

as possible, the applicant provides an UpToDate

1655

01:32:33.025 --> 01:32:36.035

cost estimate for constructing the project,

1656

01:32:36.815 --> 01:32:39.795

and they take the risk that that is obviously widely banded

1657

01:32:39.795 --> 01:32:41.715

around the construction press and elsewhere,

1658

01:32:42.055 --> 01:32:44.155

and everybody is aware of what that figure is,

1659

01:32:44.655 --> 01:32:47.875

but it's not a reasonable excuse at this stage in the

1660

01:32:47.875 --> 01:32:49.195

process to say

1661

01:32:49.195 --> 01:32:52.355

that a 5-year-old cost estimate is an adequate basis on

1662

01:32:52.355 --> 01:32:55.315

which to say that the budgets are sufficient

1663

01:32:55.855 --> 01:32:57.275

to deliver the relocation.

1664

01:32:59.305 --> 01:33:01.605

So it is, it is a ringfence sum.

1665

01:33:02.145 --> 01:33:04.325

Um, you asked sir, and Mr.

1666

01:33:04.385 --> 01:33:08.085

Burley asked extensively at ISH two, um,

1667

01:33:08.305 --> 01:33:09.645

for further information to be

1668

01:33:09.885 --> 01:33:11.685

provided, um, by the applicants,

1669

01:33:12.265 --> 01:33:14.925

and they have certainly filed a considerable amount

1670

01:33:14.925 --> 01:33:17.125

of information around the, the HIF.

1671

01:33:17.395 --> 01:33:20.485

They still, unless I'm not up to date,

1672

01:33:20.555 --> 01:33:23.565

have still not filed the HF business case,

1673

01:33:23.775 --> 01:33:25.525

which was the fundamental document

1674

01:33:25.555 --> 01:33:29.445

that supported the application, um, for funding, um,

1675

01:33:29.445 --> 01:33:33.765

which is something that contained Alia, um,

1676

01:33:35.805 --> 01:33:39.405

a, a representation at that time of the likely costs,

1677

01:33:39.625 --> 01:33:42.165

but also it, it set out, um,

1678

01:33:42.945 --> 01:33:46.125

the future development prospects as they were perceived then

1679

01:33:46.145 --> 01:33:49.005

of, of the Northeast Cambridge, um, area as well.

1680

01:33:49.825 --> 01:33:54.295

Now, whilst we've had sight of redacted versions of

1681

01:33:54.295 --> 01:33:57.255

that business case, which incidentally sir,

1682

01:33:58.685 --> 01:34:00.735

have recently been withdrawn from

1683

01:34:01.435 --> 01:34:03.975

the various public websites of homes, England

1684

01:34:03.975 --> 01:34:05.695

and the City Council, um,

1685

01:34:06.675 --> 01:34:10.655

but we are still fully expecting to see from the applicant

1686

01:34:11.615 --> 01:34:16.195

a proper presentation of that and proper represent

1687

01:34:16.415 --> 01:34:20.725

and proper responses, sir, to the, um, a range

1688

01:34:20.745 --> 01:34:23.845

of questions which you will know, sir, that we've raised,

1689

01:34:24.345 --> 01:34:28.645

um, particularly in our document s HH 22, um,

1690

01:34:29.465 --> 01:34:33.035

and to which we've had a partial response from the

1691

01:34:33.035 --> 01:34:34.315

applicant, um,

1692

01:34:34.855 --> 01:34:39.835

and in more recently in s HH 34, um, we've raised a lot

1693

01:34:39.835 --> 01:34:41.675

of detailed questions about funding

1694

01:34:42.175 --> 01:34:44.475

and about, um, control over costs

1695

01:34:45.015 --> 01:34:48.275

and about the arrangements between the partners insofar

1696

01:34:48.295 --> 01:34:50.835

as they relate to the, to the relocation.

1697

01:34:51.455 --> 01:34:53.105

Um, the applicant

1698

01:34:54.115 --> 01:34:56.855

has on several occasions suggested we are barking up the

1699

01:34:56.855 --> 01:35:01.285

wrong tree and that we are looking to, um, ask them

1700

01:35:01.345 --> 01:35:05.375

to justify the, the, the housing development funding.

1701

01:35:05.835 --> 01:35:08.495

But this is not housing development funding per se.

1702

01:35:08.515 --> 01:35:12.815

It is effectively a ring fence grant that is being given for

1703

01:35:13.475 --> 01:35:14.855

the relocation of the works.

1704

01:35:15.675 --> 01:35:20.095

Um, and a point you made Sarah a few minutes ago,

1705

01:35:20.905 --> 01:35:24.415

which was that when the HIF application was made,

1706

01:35:24.995 --> 01:35:28.695

it was made very clear that there were, there were two, um,

1707

01:35:28.965 --> 01:35:33.695

capital cost estimates that we used to construct that range

1708

01:35:33.715 --> 01:35:35.335

of values that we're talking about.

1709

01:35:35.995 --> 01:35:38.775

Um, the upper figure is 227 million.

1710

01:35:39.795 --> 01:35:43.525

Um, the lower figure, which I'm aware of,

1711

01:35:43.585 --> 01:35:47.285

and I think you may be aware of, is, was 167 million.

1712

01:35:47.985 --> 01:35:51.205

The 167 million was predicated on a very,

1713

01:35:51.705 --> 01:35:54.285

and both sums were calculated according to

1714

01:35:55.485 --> 01:35:57.655

what the published documents, at least tell us,

1715

01:35:57.995 --> 01:36:01.895

was a relatively straightforward process of cost estimation.

1716

01:36:02.405 --> 01:36:06.695

They estimated the costs of the, the works and of its,

1717

01:36:07.995 --> 01:36:09.575

and then they estimated the costs

1718

01:36:09.675 --> 01:36:12.575

of the tunnels in particular that would be required

1719

01:36:12.595 --> 01:36:15.015

to deliver raw sewage to the works.

1720

01:36:15.555 --> 01:36:18.335

Um, and, and an estimate of the costs

1721

01:36:18.635 --> 01:36:21.215

for outfalls on that basis.

1722

01:36:22.075 --> 01:36:24.095

The stated documents say very clearly,

1723

01:36:24.715 --> 01:36:29.575

the 167 million was intended to fund a short tunnel option.

1724

01:36:29.835 --> 01:36:34.325

And a short tunnel option is either this site

1725

01:36:34.465 --> 01:36:36.645

or potentially it would've been site two.

1726

01:36:37.505 --> 01:36:42.165

Um, a longer tunnel option was at that stage anticipated

1727

01:36:42.265 --> 01:36:46.725

to support a very much longer, um, tunnel arrangement

1728

01:36:46.725 --> 01:36:50.965

that would take sewage, sewage, um, possibly

1729

01:36:50.965 --> 01:36:52.405

to a site beyond the greenbelt.

1730

01:36:52.405 --> 01:36:54.045

And that was not subsequently.

1731

01:36:54.545 --> 01:36:57.885

So not to be practicable, but certainly cost effective,

1732

01:36:58.065 --> 01:37:00.365

but certainly a very much longer tunnel option.

1733

01:37:01.155 --> 01:37:04.905

It's never been clear to us, sir, as to why the grant

1734

01:37:06.075 --> 01:37:07.895

is actually 227 million

1735

01:37:07.995 --> 01:37:11.735

or whether it in reality is 167 million

1736

01:37:11.735 --> 01:37:13.575

because that, that was the option

1737

01:37:13.575 --> 01:37:16.525

that was subsequently adopted. Um, I

1738

01:37:16.525 --> 01:37:18.045

Suppose the applicant just confirmed

1739

01:37:18.045 --> 01:37:20.805

that the 2, 2 7 would be available for this project.

1740

01:37:22.275 --> 01:37:23.275

However,

1741

01:37:27.235 --> 01:37:31.935

The um, 2, 2 7 is the

1742

01:37:31.935 --> 01:37:35.375

maximum sum as described under the contract.

1743

01:37:35.485 --> 01:37:38.975

What we are entitled to is to recover our costs

1744

01:37:40.815 --> 01:37:43.235

as originally envisaged up to that sum. If,

1745

01:37:43.305 --> 01:37:46.115

Yeah, I mean, If it had taken, if it had only cost 150,

1746

01:37:46.175 --> 01:37:48.115

we would've only have claimed 150.

1747

01:37:48.345 --> 01:37:52.115

Yeah, but the, the maximum sum is 227.

1748

01:37:52.935 --> 01:37:56.525

So I'm just wondering what, you know, what your concern is

1749

01:37:56.525 --> 01:37:57.965

regarding the two different figures.

1750

01:37:58.185 --> 01:38:00.325

If the applicant's saying they have 2, 2, 7

1751

01:38:00.465 --> 01:38:04.805

and they can spend two, two 7 million on the project, then

1752

01:38:06.915 --> 01:38:08.685

what, what, what's your main concern about that?

1753

01:38:08.905 --> 01:38:11.805

Our main concern about that, Sarah, is that homes England,

1754

01:38:11.905 --> 01:38:14.045

who are the grant giving agency

1755

01:38:14.045 --> 01:38:16.045

or act on behalf of the grant giving agency,

1756

01:38:16.045 --> 01:38:20.895

you've never confirmed that they are not, they are funding

1757

01:38:21.115 --> 01:38:22.775

beyond the short tunnel option.

1758

01:38:23.235 --> 01:38:26.415

Um, it remains the case that obviously the figure

1759

01:38:26.415 --> 01:38:30.095

that's always been put around in public is 227 million.

1760

01:38:30.755 --> 01:38:31.855

Um, it's,

1761

01:38:32.195 --> 01:38:36.335

and even if it is 227 million for the total, um,

1762

01:38:37.135 --> 01:38:40.735

relocation, we've still had nothing in front of this inquiry

1763

01:38:40.885 --> 01:38:44.215

that this examination that either sets out

1764

01:38:45.485 --> 01:38:48.305

how close that 227 million is to the money

1765

01:38:48.935 --> 01:38:53.785

that will be necessary repriced to 2024 basis.

1766

01:38:54.605 --> 01:38:58.025

Um, we've had no indication, apart from the commitment,

1767

01:38:58.785 --> 01:39:03.585

a 5% cost overrun being met, um, by the partners

1768

01:39:04.125 --> 01:39:07.025

as to how any cost overruns beyond that will be met.

1769

01:39:07.305 --> 01:39:08.905

I recognize what Mr.

1770

01:39:09.035 --> 01:39:11.385

Comey is saying about ongoing conversations,

1771

01:39:11.805 --> 01:39:15.105

but there is no firm commitment, um, to anything

1772

01:39:15.155 --> 01:39:17.585

above a 5% cost overrun.

1773

01:39:18.175 --> 01:39:21.345

Okay. I, the applicant has said that they're going

1774

01:39:21.345 --> 01:39:23.785

to tell us by the end of the examination is why,

1775

01:39:24.365 --> 01:39:25.545

as far as I understand it.

1776

01:39:26.645 --> 01:39:27.745

Is that right? That's

1777

01:39:27.745 --> 01:39:28.745

Right. And I think, uh,

1778

01:39:28.745 --> 01:39:31.225

and apologies that the, uh,

1779

01:39:31.625 --> 01:39:34.105

business case has not appeared. I, I think you

1780

01:39:34.105 --> 01:39:35.265

Now, uh, I think it's appeared today,

1781

01:39:35.785 --> 01:39:38.065

I today has appeared on the website. Yes.

1782

01:39:38.165 --> 01:39:40.545

Um, but I, the point I would make, of course,

1783

01:39:40.575 --> 01:39:42.065

that was a feasibility study

1784

01:39:42.325 --> 01:39:45.225

and a business case that then resulted in a contract.

1785

01:39:45.695 --> 01:39:49.585

Yeah. And it's the contract that sets out the, the,

1786

01:39:49.605 --> 01:39:50.705

the terms of the funding.

1787

01:39:51.205 --> 01:39:55.025

Um, and that took another year's worth of negotiation with,

1788

01:39:55.055 --> 01:39:57.065

with Holmes England and the city council

1789

01:39:57.245 --> 01:39:58.905

before we got to that point.

1790

01:39:59.415 --> 01:40:03.145

Yeah. So the contract overrides the, the business case

1791

01:40:03.325 --> 01:40:05.505

as I suppose is, is is where I'm coming from,

1792

01:40:07.085 --> 01:40:08.785

and you have a contract, you have a copy

1793

01:40:08.785 --> 01:40:10.105

of the contract, you see the copy of the

1794

01:40:10.265 --> 01:40:11.265

Contract. Yeah. Yep.

1795

01:40:11.265 --> 01:40:14.265

Well, we, we have seen all the documents

1796

01:40:14.265 --> 01:40:15.385

that have been placed in,

1797

01:40:15.935 --> 01:40:19.625

into the examination library in relation to the HF funding.

1798

01:40:20.045 --> 01:40:24.935

Um, I don't think we've had clear answers

1799

01:40:25.115 --> 01:40:26.335

to many of the questions

1800

01:40:26.365 --> 01:40:29.135

that SHH raised in its representations.

1801

01:40:29.415 --> 01:40:32.975

I think they've, in a lot of cases, been as short an answer

1802

01:40:32.995 --> 01:40:35.055

as could possibly be given, um,

1803

01:40:35.635 --> 01:40:37.895

and not always entirely helpful.

1804

01:40:38.755 --> 01:40:43.035

Um, the other, the other aspects, so,

1805

01:40:43.035 --> 01:40:46.555

which I think it is worth briefly raising, is

1806

01:40:46.555 --> 01:40:48.875

that we do now know that

1807

01:40:49.775 --> 01:40:52.595

within the 227 million, um,

1808

01:40:54.325 --> 01:40:56.835

there is a breakdown between enabling costs

1809

01:40:57.655 --> 01:40:59.875

and, um, construction costs.

1810

01:41:00.615 --> 01:41:02.835

And I don't know if Mr. Comey wants to tell you the figures,

1811

01:41:02.835 --> 01:41:05.795

but I can tell you that the, the figure for, um,

1812

01:41:07.435 --> 01:41:09.795

enabling costs that's been released in public

1813

01:41:09.795 --> 01:41:14.555

with 31.8 million, uh, 31.5 actually

1814

01:41:15.225 --> 01:41:17.075

with precise i I stand corrected, sir.

1815

01:41:17.295 --> 01:41:20.955

Um, and that the total costs that have been incurred

1816

01:41:20.955 --> 01:41:24.435

to date, um, are just under 29 million.

1817

01:41:24.975 --> 01:41:27.355

So that the majority of, um,

1818

01:41:27.505 --> 01:41:30.995

that enabling budget is already been consumed, um,

1819

01:41:31.425 --> 01:41:34.635

with very little left to carry through the rest of this

1820

01:41:35.275 --> 01:41:36.755

examination, or indeed up

1821

01:41:36.805 --> 01:41:39.195

until the main contracts are granted.

1822

01:41:39.855 --> 01:41:42.115

Um, so clearly we're running into a situation

1823

01:41:42.115 --> 01:41:45.155

where they're already hitting the upper boundaries

1824

01:41:45.295 --> 01:41:47.055

of the two.

1825

01:41:47.925 --> 01:41:50.615

Well, the three cost figures, there are three cost figures,

1826

01:41:50.615 --> 01:41:53.855

effectively, the 227 million, the construction cost,

1827

01:41:53.875 --> 01:41:56.655

and the 31.5 million which was allowed

1828

01:41:56.655 --> 01:41:57.855

for the enabling stage.

1829

01:41:58.475 --> 01:42:01.535

Um, so that's another matter which you, you might wish

1830

01:42:01.535 --> 01:42:03.855

to add to your, your considerations, sir.

1831

01:42:06.385 --> 01:42:08.385

I think, I think, I mean, our position,

1832

01:42:08.385 --> 01:42:12.585

which we've made clear in evidence sir, is that, is, is that

1833

01:42:14.325 --> 01:42:17.145

the compulsory acquisition guidelines need

1834

01:42:17.145 --> 01:42:19.625

to be rigorously applied and that they,

1835

01:42:20.165 --> 01:42:24.425

and it is not just sufficient for the applicants

1836

01:42:24.425 --> 01:42:26.865

to have in their pockets a 5 million sum

1837

01:42:26.865 --> 01:42:29.825

to acquire the land if they're not in

1838

01:42:29.825 --> 01:42:30.945

a position to deliver the project.

1839

01:42:31.085 --> 01:42:34.995

At the end of the day, the compulsory powers, you have

1840

01:42:34.995 --> 01:42:37.515

to be satisfied and the Secretary State has to be satisfied

1841

01:42:37.985 --> 01:42:40.075

that the compulsory powers are justified

1842

01:42:40.615 --> 01:42:42.355

and that the project is deliverable.

1843

01:42:44.355 --> 01:42:47.055

Yes. I I think that's, they're the questions

1844

01:42:47.055 --> 01:42:50.295

that we've asked of the applicant, the fact they don't want

1845

01:42:50.295 --> 01:42:53.175

to necessarily tell us that is something we need

1846

01:42:53.175 --> 01:42:54.515

to take away

1847

01:42:55.235 --> 01:42:56.235

Consider, yes. I mean, and,

1848

01:42:56.235 --> 01:42:59.075

and, and the other important point Mr.

1849

01:42:59.175 --> 01:43:00.315

Calley made,

1850

01:43:00.315 --> 01:43:03.795

and I think it was made in the answers to, uh, 8 25

1851

01:43:03.815 --> 01:43:06.755

and 8 26, is that, um,

1852

01:43:09.265 --> 01:43:10.835

he's hoping that they will be able

1853

01:43:10.835 --> 01:43:14.795

to draw on the capital receipts effectively from the sale

1854

01:43:14.795 --> 01:43:17.795

of the land for housing development in order

1855

01:43:17.855 --> 01:43:19.715

to meet any cost shortfalls.

1856

01:43:20.255 --> 01:43:24.965

Um, I think the principle point I'd make there, sir, is

1857

01:43:24.965 --> 01:43:29.085

that obviously there is this very complex arrangement

1858

01:43:29.705 --> 01:43:34.125

for delivering, um, the core site as a housing site,

1859

01:43:34.125 --> 01:43:35.565

which involves, you know,

1860

01:43:35.565 --> 01:43:38.605

a very substantial project being led by the city

1861

01:43:39.305 --> 01:43:42.115

and south cams, um, which will

1862

01:43:43.185 --> 01:43:46.805

and may indeed involve future compulsory acquisition

1863

01:43:46.805 --> 01:43:48.005

of other land, um,

1864

01:43:48.005 --> 01:43:50.805

within the Northeast Cambridge area action plan.

1865

01:43:51.425 --> 01:43:52.805

The whole of that process

1866

01:43:53.625 --> 01:43:56.445

of delivering those sites is being tied into a series

1867

01:43:56.445 --> 01:43:59.645

of agreements, which I think in summary, Mr.

1868

01:43:59.705 --> 01:44:02.565

Cor, me, I can say are essentially designed

1869

01:44:03.965 --> 01:44:05.625

to work on a residual cost basis,

1870

01:44:05.885 --> 01:44:08.705

as in there will be some capital receipts,

1871

01:44:08.705 --> 01:44:11.265

but they'll only be a, they will only arise

1872

01:44:12.215 --> 01:44:16.755

and be, um, usable at a time when,

1873

01:44:17.055 --> 01:44:20.515

um, there's a very clear understanding that the whole of

1874

01:44:20.515 --> 01:44:23.515

that development is, is, is commercially viable.

1875

01:44:23.575 --> 01:44:25.235

It they won't be paying out,

1876

01:44:25.745 --> 01:44:28.475

they won't be paying out large sums of, um,

1877

01:44:28.475 --> 01:44:31.195

capital receipts early on in the process, given

1878

01:44:31.195 --> 01:44:35.915

that there are some very large, um, infrastructure, um,

1879

01:44:36.045 --> 01:44:39.275

costs likely to be involved in delivering the, the whole

1880

01:44:39.295 --> 01:44:41.155

of the, the Northeast Cambridge project.

1881

01:44:41.775 --> 01:44:42.795

So those,

1882

01:44:43.295 --> 01:44:45.275

and that is of, well, as you know,

1883

01:44:45.295 --> 01:44:49.115

sir from the local planner, a 10 to 15 year project just

1884

01:44:49.115 --> 01:44:52.555

to deliver, um, the housing on, on even on,

1885

01:44:52.975 --> 01:44:54.475

um, the core side.

1886

01:44:54.895 --> 01:44:57.315

So I think reliance, unless,

1887

01:44:57.855 --> 01:45:00.875

unless there is clear documentary evidence in support of it,

1888

01:45:01.435 --> 01:45:04.555

reliance on future land values isn't something you should

1889

01:45:04.555 --> 01:45:05.595

put much weight answer.

1890

01:45:08.295 --> 01:45:11.015

I would just draw the distinction between land value

1891

01:45:11.035 --> 01:45:12.135

and land receipts.

1892

01:45:12.995 --> 01:45:16.855

And, and I was careful to use the phrase value, um,

1893

01:45:16.905 --> 01:45:21.695

which is recognized, um, by the, uh, homes

1894

01:45:22.395 --> 01:45:24.895

You just as see microphone on, oh, could you,

1895

01:45:25.175 --> 01:45:27.175

you talk closer to it please, for the,

1896

01:45:27.195 --> 01:45:28.335

um, the live streaming.

1897

01:45:28.595 --> 01:45:31.175

So I was drawing the distinction between value,

1898

01:45:31.175 --> 01:45:33.335

which is the word I used and, and, and,

1899

01:45:33.395 --> 01:45:35.735

and receipts, which obviously will be in the future,

1900

01:45:36.155 --> 01:45:39.775

but future receipts result in a, in a value now, uh,

1901

01:45:39.775 --> 01:45:44.015

that is perfectly recognizable by homes, England and, and,

1902

01:45:44.155 --> 01:45:46.255

and other party, other key stakeholders.

1903

01:45:48.225 --> 01:45:50.885

But if in, in the event that the

1904

01:45:51.925 --> 01:45:56.165

receipts didn't match what was anticipated, now, how would

1905

01:45:56.165 --> 01:45:58.005

that shortfall be addressed?

1906

01:46:00.695 --> 01:46:05.485

Sorry, in terms of If, if for example, um, well,

1907

01:46:06.695 --> 01:46:07.925

Sorry, sorry, sorry.

1908

01:46:07.925 --> 01:46:10.645

Yeah. Um, what I would say is that we are confident

1909

01:46:10.645 --> 01:46:13.205

that there is sufficient value in that site

1910

01:46:13.705 --> 01:46:14.805

to release the funding

1911

01:46:14.835 --> 01:46:16.845

that is necessary to complete this project.

1912

01:46:17.305 --> 01:46:19.645

And would that be on the basis of say, a policy

1913

01:46:20.205 --> 01:46:22.525

compliant affordable housing provisions? Yes, yes,

1914

01:46:22.865 --> 01:46:23.865

Yes.

1915

01:46:24.415 --> 01:46:28.925

40% is, is a contractual obligation under the I grant

1916

01:46:29.475 --> 01:46:31.205

it's, uh, city council policy.

1917

01:46:31.605 --> 01:46:33.765

I mean, we are not going against any of that.

1918

01:46:34.535 --> 01:46:39.245

Thank you, Sir. Can I come, come back on that point?

1919

01:46:39.245 --> 01:46:43.205

Because, um, I think it's being disingenuous to suggest

1920

01:46:43.205 --> 01:46:47.745

that, that the future land value can be used

1921

01:46:47.765 --> 01:46:52.005

to fund this project, um, that future land value won't be

1922

01:46:52.605 --> 01:46:56.805

realized in some cases until many years into the future.

1923

01:46:57.505 --> 01:47:01.005

Um, the developers, the master developers, for example,

1924

01:47:01.465 --> 01:47:03.085

are not paying for sites and

1925

01:47:03.085 --> 01:47:05.165

nor will house builders be paying for sites

1926

01:47:05.585 --> 01:47:08.645

as they're released to them, that will all come

1927

01:47:09.285 --> 01:47:12.525

together under a, this complex accounting framework

1928

01:47:12.555 --> 01:47:15.725

that at the end of the day is designed to ensure

1929

01:47:15.725 --> 01:47:17.605

that there's enough money to deliver the whole

1930

01:47:17.605 --> 01:47:19.605

of the development, not just the affordable housing,

1931

01:47:19.785 --> 01:47:22.725

but offsite infrastructure, acquisition of other pieces

1932

01:47:22.745 --> 01:47:23.845

of land and so on.

1933

01:47:24.225 --> 01:47:27.205

Um, and that's very normal way of doing these very large,

1934

01:47:27.545 --> 01:47:28.965

um, development projects.

1935

01:47:29.985 --> 01:47:32.205

And it is, it is a reason for seeking,

1936

01:47:32.555 --> 01:47:36.565

seeking forward funding, um, as has been done in the case of

1937

01:47:37.185 --> 01:47:38.205

the, the relocation.

1938

01:47:38.785 --> 01:47:42.205

Um, but it's not a circumstance in which you can also pray

1939

01:47:42.225 --> 01:47:46.165

and aid future land receipts that won't be received

1940

01:47:46.255 --> 01:47:47.925

until very much later in the process.

1941

01:47:48.395 --> 01:47:49.765

It's not much good saying, well,

1942

01:47:50.015 --> 01:47:53.925

we've got 20 million coming in 2041 to pay towards the costs

1943

01:47:53.945 --> 01:47:58.345

of our, our, um, uh, our relocation project.

1944

01:47:58.945 --> 01:47:59.865

I don't think the contractors

1945

01:47:59.895 --> 01:48:01.185

will be terribly happy with that.

1946

01:48:01.805 --> 01:48:04.305

Um, I think I make my point. Yeah,

1947

01:48:04.345 --> 01:48:05.545

I, I understand your point

1948

01:48:05.605 --> 01:48:08.545

and hence that was the question to the applicant.

1949

01:48:08.645 --> 01:48:11.945

As you know, they say they're going to tell us

1950

01:48:12.605 --> 01:48:14.985

how the shortfalls funded during the course

1951

01:48:14.985 --> 01:48:16.945

of the examination and we'll await that

1952

01:48:17.925 --> 01:48:19.385

and take it from there.

1953

01:48:20.445 --> 01:48:21.445

Yes, Ms. Cotton.

1954

01:48:22.325 --> 01:48:26.385

Um, what, what would happen if, um, uh, the, uh, value

1955

01:48:26.385 --> 01:48:30.345

of the land were, were more than the amount that you need,

1956

01:48:30.605 --> 01:48:32.985

um, to pay for the, uh, extra money

1957

01:48:32.985 --> 01:48:34.545

that's gonna be outstanding for relocation?

1958

01:48:35.185 --> 01:48:37.865

'cause I, I thought, sorry, I'm a completely person,

1959

01:48:38.125 --> 01:48:40.385

so excuse my ignorance about all of these matters,

1960

01:48:40.565 --> 01:48:43.025

but my understanding was that annual mor couldn't pay

1961

01:48:43.025 --> 01:48:45.305

for a relocation all of those years when it,

1962

01:48:45.305 --> 01:48:47.625

when the councilors were, were wanting it for decades

1963

01:48:48.015 --> 01:48:50.065

because there was no operational need.

1964

01:48:50.065 --> 01:48:52.265

That's why you've not financed any of it yourself.

1965

01:48:52.805 --> 01:48:56.025

So now you are saying that actually you will be able to,

1966

01:48:56.605 --> 01:48:58.825

you will need to finance some of it selves

1967

01:48:59.215 --> 01:49:01.705

with your profit from selling the land and,

1968

01:49:01.885 --> 01:49:03.505

and what would then happen with the rest

1969

01:49:03.505 --> 01:49:05.505

of the money if the value of the land were greater than the

1970

01:49:05.505 --> 01:49:07.945

amount that you needed to pay for the, um, the uh,

1971

01:49:08.005 --> 01:49:09.145

top up for the relocation?

1972

01:49:10.945 --> 01:49:14.525

I'm not sure that that's quite what I'm saying. Yeah. So,

1973

01:49:14.785 --> 01:49:17.085

And I apologies if I haven't understood, sorry

1974

01:49:17.185 --> 01:49:18.765

for exploring this and this. No, no, it's

1975

01:49:18.765 --> 01:49:19.765

Alright. It's alright. It's alright.

1976

01:49:19.765 --> 01:49:20.805

Um, it's,

1977

01:49:20.835 --> 01:49:22.045

it's, it's, it's complex.

1978

01:49:22.905 --> 01:49:27.585

Um, but it goes fundamentally, we are not coming up

1979

01:49:27.585 --> 01:49:32.305

with a scenario where we are going to pay the contractor

1980

01:49:32.685 --> 01:49:35.985

for developing this, this, this, uh, the,

1981

01:49:36.365 --> 01:49:41.185

the relocation from receipts, future receipts, it is

1982

01:49:41.185 --> 01:49:42.585

for our funding partners

1983

01:49:42.845 --> 01:49:46.385

and the key stakeholders to take the view on the funding

1984

01:49:47.115 --> 01:49:48.365
that that would support.

1985

01:49:48.755 --> 01:49:50.205
Yeah. Um,

1986

01:49:50.345 --> 01:49:53.245
and it is, we would not be proceeding with this without

1987

01:49:53.245 --> 01:49:54.645
that funding being secured

1988

01:49:55.145 --> 01:50:00.105
and in water is not putting its hand in its pocket to,

1989

01:50:00.205 --> 01:50:04.465
to, to take customers money to, to, to, to fund a relocation

1990

01:50:04.465 --> 01:50:08.785
that, so that's the basic principle in terms of of,

1991

01:50:08.925 --> 01:50:11.065
of the way the, hi, sorry.

1992

01:50:13.955 --> 01:50:14.985
Let's move it over there

1993

01:50:15.005 --> 01:50:16.465
so I can look at you whilst I'm talking.

1994

01:50:16.845 --> 01:50:21.345
Um, so, um, in terms of the way that the system is set up,

1995

01:50:21.565 --> 01:50:25.745
the profit from, from, from the development, so to speak,

1996

01:50:25.765 --> 01:50:29.185
in, in, in, in the future was going to be recycled.

1997

01:50:29.575 --> 01:50:32.145

Yeah. So it was never coming to to to, to,

1998

01:50:32.245 --> 01:50:33.625

to, to angling water.

1999

01:50:34.265 --> 01:50:37.665

Angling water. And the city council were receiving their

2000

01:50:38.465 --> 01:50:40.985

existing use valley and angling water on top of

2001

01:50:40.985 --> 01:50:42.065

that was being funded

2002

01:50:42.165 --> 01:50:44.545

for the relocation at no cost to its customers.

2003

01:50:44.545 --> 01:50:46.305

That was the, the original principle.

2004

01:50:46.605 --> 01:50:51.145

So the profit as such, 90% of that is recycled

2005

01:50:51.145 --> 01:50:55.305

through homes England, back to the, the, the, the, the, uh,

2006

01:50:56.065 --> 01:50:57.865

combined authority as it stands at the moment

2007

01:50:58.445 --> 01:51:02.705

for reinvestment in, in affordable housing elsewhere in, in,

2008

01:51:02.725 --> 01:51:03.785

in, in, in the region.

2009

01:51:04.765 --> 01:51:06.185

Um, so, um,

2010

01:51:09.305 --> 01:51:12.515

what would mean, uh, what, what, what, what the,

2011

01:51:12.545 --> 01:51:14.675
that profit potentially would be reduced

2012

01:51:14.775 --> 01:51:16.235
as a result of a cost overrun.

2013

01:51:16.345 --> 01:51:18.515
Yeah. But, but that's, it's not,

2014

01:51:18.585 --> 01:51:21.795
it's not the angling water is using its profit to do this.

2015

01:51:21.855 --> 01:51:23.355
That's, that's not what it's all about.

2016

01:51:28.045 --> 01:51:29.215
Does that, does that help

2017

01:51:29.835 --> 01:51:30.835
If you understand it?

2018

01:51:34.725 --> 01:51:38.395
I think so, yes. No, it was just the question about

2019

01:51:38.905 --> 01:51:42.755
your selling the land and, and it's your land to sell,

2020

01:51:43.215 --> 01:51:44.515
and what do you do with that?

2021

01:51:44.705 --> 01:51:46.755
That, and you wouldn't be doing

2022

01:51:46.755 --> 01:51:49.395
that if you weren't relocate being paid

2023

01:51:49.395 --> 01:51:51.155
to relocate the That's

2024

01:51:51.205 --> 01:51:52.205

Right. The quid pro quo

2025

01:51:52.205 --> 01:51:54.995
for the, the, the, the, the, the,

2026

01:51:55.055 --> 01:51:58.795
the funding for the relocation is that the majority

2027

01:51:58.935 --> 01:52:01.435
of the profit from the disposal of

2028

01:52:01.435 --> 01:52:04.155
that subsequent development site goes

2029

01:52:04.185 --> 01:52:05.475
back to the public sector.

2030

01:52:06.135 --> 01:52:08.875
You'll give it back. That's the way the contract works.

2031

01:52:09.115 --> 01:52:10.235
I mean, it, it's, it's,

2032

01:52:10.415 --> 01:52:13.275
if you look at schedule eight in the GDA,

2033

01:52:13.455 --> 01:52:15.195
the recycling provisions, that's where

2034

01:52:15.465 --> 01:52:17.515
that they're, they're all set out. And

2035

01:52:17.515 --> 01:52:21.035
I can I just come back from the point, what if, um,

2036

01:52:21.945 --> 01:52:24.595
what if it, it simply doesn't cover the cost

2037

01:52:24.655 --> 01:52:26.235
of the, the relocation?

2038

01:52:26.375 --> 01:52:27.795
Is there a provision for that?

2039

01:52:29.735 --> 01:52:31.595
Oh, it will do. It will

2040

01:52:31.595 --> 01:52:32.595
Do. It will do. Yeah.

2041

01:52:32.595 --> 01:52:33.875
There's, and there will be some

2042

01:52:33.945 --> 01:52:35.755
Money's a sufficient value in that site

2043

01:52:36.215 --> 01:52:38.995
to more than cover the cost that we are looking to sign.

2044

01:52:39.215 --> 01:52:42.275
How can we make a, a certain recommendation

2045

01:52:42.375 --> 01:52:44.915
to the Secretary of State without sight of any

2046

01:52:44.965 --> 01:52:46.005
of this information?

2047

01:52:47.535 --> 01:52:49.375
I think, I think we can give you more com.

2048

01:52:49.725 --> 01:52:53.055
This is an issue of timing, sir. Yeah, that's all it is.

2049

01:52:53.405 --> 01:52:56.775
Yeah. We need a bit more time to work through this process

2050

01:52:56.965 --> 01:52:58.815
with Holmes England and the city council,

2051

01:52:58.985 --> 01:53:01.295

which we're expecting to do between now

2052

01:53:01.295 --> 01:53:02.655
and the end of the examination.

2053

01:53:03.075 --> 01:53:04.135
And we'll be more than happy.

2054

01:53:04.185 --> 01:53:05.615
We've got nothing to hide here.

2055

01:53:05.995 --> 01:53:09.215
We just need to be given the time to, to, to, to come up

2056

01:53:09.215 --> 01:53:10.615
with something that you can be certain about.

2057

01:53:10.635 --> 01:53:13.935
That's the point we made at the, um, the previous ISH

2058

01:53:14.005 --> 01:53:16.215
that, um, the more you can give us, the better.

2059

01:53:16.245 --> 01:53:18.415
Yeah. Um, but if you don't give it to us, of course,

2060

01:53:18.415 --> 01:53:20.775
we can't reflect that in any recommendation.

2061

01:53:20.925 --> 01:53:21.925
Yeah.

2062

01:53:23.235 --> 01:53:26.855
So Michelle, Michelle Moss for the applicant, Mr.

2063

01:53:26.915 --> 01:53:28.815
Cormey, the applicant has, has confirmed

2064

01:53:28.815 --> 01:53:30.615
that there's active discussions

2065

01:53:30.615 --> 01:53:32.295

that they remain confidential at the point

2066

01:53:32.295 --> 01:53:35.055

that those active active discussions are ongoing,

2067

01:53:35.715 --> 01:53:37.695

but there's a clear intention to,

2068

01:53:38.075 --> 01:53:39.935

to update the examining authority

2069

01:53:39.995 --> 01:53:43.535

and affected parties as soon as practicable, uh, with,

2070

01:53:44.045 --> 01:53:46.815

with detail on the options

2071

01:53:46.835 --> 01:53:48.215

and solutions that they are,

2072

01:53:48.805 --> 01:53:50.855

that they are proposing at that point.

2073

01:53:51.845 --> 01:53:55.855

What the applicant does have is a clear contractual

2074

01:53:56.445 --> 01:54:00.175

framework here, um, for the provision of funding,

2075

01:54:00.475 --> 01:54:03.575

for the provision of funding to meet cost overruns

2076

01:54:04.275 --> 01:54:06.935

and for express collaboration between

2077

01:54:08.075 --> 01:54:12.455

public sector parties who all have a very strong

2078

01:54:13.195 --> 01:54:17.335

desire to see the scheme, the proposed development happen,

2079

01:54:18.455 --> 01:54:20.015

and they're actively engaged in that.

2080

01:54:20.515 --> 01:54:24.935

The timing is such that the detail cannot be

2081

01:54:25.295 --> 01:54:28.575

provided today, but it is certainly envisaged

2082

01:54:28.575 --> 01:54:30.335

that there will be further information available

2083

01:54:30.435 --> 01:54:31.535

as soon as Practic book.

2084

01:54:36.765 --> 01:54:40.815

Okay. Thank you Mr. Gilda. Thank you, sir.

2085

01:54:41.075 --> 01:54:45.375

Um, I perhaps careful in how I, how I say this.

2086

01:54:45.495 --> 01:54:48.615

I mean, clearly we're in a situation where, um,

2087

01:54:48.875 --> 01:54:51.535

the applicant has known right through the process

2088

01:54:51.715 --> 01:54:54.715

of preparing the development consent order application

2089

01:54:55.185 --> 01:54:56.995

that the question of funding would be

2090

01:54:57.115 --> 01:54:58.275

before the examination.

2091

01:54:58.815 --> 01:55:00.755

Um, and it seems somewhat surprising

2092

01:55:00.755 --> 01:55:04.555

that some urgent conversations are only now going on about

2093

01:55:05.025 --> 01:55:07.835

matters of cost overruns and how they will be met.

2094

01:55:08.175 --> 01:55:10.755

Um, the whole question of costing, um,

2095

01:55:11.255 --> 01:55:13.915

of the project is something certainly we as a group, um,

2096

01:55:14.215 --> 01:55:18.795

raised during the consultation periods, not, not leased well

2097

01:55:18.795 --> 01:55:21.795

before the DCO application has been submitted.

2098

01:55:22.015 --> 01:55:23.995

And clearly it's only now being addressed

2099

01:55:24.095 --> 01:55:25.475

by, by the partners.

2100

01:55:25.975 --> 01:55:27.905

Um, Mr.

2101

01:55:27.995 --> 01:55:31.625

Comey also went on to tell you, which I, I believe

2102

01:55:31.625 --> 01:55:32.945

to be entirely correct of course.

2103

01:55:33.405 --> 01:55:36.705

Um, that Schedule eight of the grant determination agreement

2104

01:55:37.655 --> 01:55:41.665

sets out a sophisticated, um, arrangement

2105

01:55:41.665 --> 01:55:44.085

for the recycling of, of, of the,

2106

01:55:45.865 --> 01:55:48.565

of the uplift in land value effectively.

2107

01:55:49.065 --> 01:55:53.245

Um, and that that is predominantly to be spent on

2108

01:55:53.885 --> 01:55:57.175

matters of public interest that to be spent on other aspects

2109

01:55:57.475 --> 01:56:00.615

of, of public interest, um, such as affordable housing

2110

01:56:00.635 --> 01:56:03.535

and the rest of the rest of the county of Cambridgeshire.

2111

01:56:03.955 --> 01:56:07.995

So there isn't, that isn't a pot

2112

01:56:08.545 --> 01:56:10.835

that is easily dipped into

2113

01:56:11.495 --> 01:56:14.075

to meet a very substantial cost overrun.

2114

01:56:14.235 --> 01:56:17.075

I mean, clearly it will, it will certainly reduce, um,

2115

01:56:18.155 --> 01:56:20.775

it will certainly reduce, um, the amounts of money

2116

01:56:20.775 --> 01:56:23.295

that are available in, in the future to go elsewhere.

2117

01:56:23.915 --> 01:56:27.165

But the other thing that it necessitates is that the,

2118

01:56:27.425 --> 01:56:29.165

the partners to that agreement,

2119

01:56:29.225 --> 01:56:32.885

and that's all the partners to that agreement, have to agree

2120

01:56:32.885 --> 01:56:35.405

to how the funding of this cost overrun is met.

2121

01:56:35.405 --> 01:56:38.405

It's not just a matter for the applicant, it's a matter

2122

01:56:38.405 --> 01:56:41.895

of the city council, um, who have to

2123

01:56:41.895 --> 01:56:44.615

after all, be in a position to fund their share

2124

01:56:44.615 --> 01:56:46.495

of it if, if that occurs.

2125

01:56:46.755 --> 01:56:49.325

Um, they're not at this stage.

2126

01:56:50.285 --> 01:56:53.705

Um, any work that they're doing on the, on the, um,

2127

01:56:53.735 --> 01:56:54.745

housing development

2128

01:56:55.005 --> 01:56:58.425

and housing site is clearly being, um, funded

2129

01:56:58.545 --> 01:57:00.265

through the, the HF fund.

2130

01:57:02.125 --> 01:57:04.065

So we're, we're in a circular situation

2131

01:57:04.065 --> 01:57:07.235

where the city council, for example, over

2132

01:57:07.235 --> 01:57:11.115

and above the 5%, they've already committed to have to make,

2133

01:57:11.855 --> 01:57:13.315
you know, have to be satisfied

2134

01:57:13.315 --> 01:57:15.995
that they will be in a position to pay those cost overruns,

2135

01:57:16.575 --> 01:57:20.995
um, not to just aspire to paying those cost overrun.

2136

01:57:21.015 --> 01:57:23.715
So it is a wider question than just the, the,

2137

01:57:24.055 --> 01:57:26.075
the applicant's own ability to fund this.

2138

01:57:26.135 --> 01:57:29.835
It is, this whole funding arrangement is tightly

2139

01:57:29.835 --> 01:57:31.395
controlled and Mr.

2140

01:57:31.395 --> 01:57:34.115
Corman will agree with me that it's tightly controlled

2141

01:57:34.115 --> 01:57:38.115
through these, these complex agreements, which, you know,

2142

01:57:38.675 --> 01:57:40.555
I have a lot reasonable amount of experience

2143

01:57:40.555 --> 01:57:42.515
and major project agreements,

2144

01:57:42.535 --> 01:57:44.595
but they are extraordinarily complicated.

2145

01:57:45.015 --> 01:57:48.995
Rather like your questioning of arcane bits

2146

01:57:48.995 --> 01:57:51.795

of the DCO we're in the same world here of a

2147

01:57:52.525 --> 01:57:56.675

multi organizational set of set of joint well,

2148

01:57:56.695 --> 01:57:58.395

or in effect joint venture agreements

2149

01:57:58.395 --> 01:58:02.515

or joint funding agreements, um, and clearly how those work.

2150

01:58:02.625 --> 01:58:06.755

It's beyond your can in mine to,

2151

01:58:06.975 --> 01:58:08.915

to dig into that as we need the applicant

2152

01:58:08.915 --> 01:58:12.555

to be upfront about the sources of funding

2153

01:58:12.555 --> 01:58:16.555

that will be available to go well beyond the 227 million

2154

01:58:17.175 --> 01:58:21.195

if necessary as a result of building cost inflation and con

2155

01:58:21.695 --> 01:58:22.875

and, and fee inflation.

2156

01:58:23.655 --> 01:58:26.795

Um, and that, that's going to be what you can report back

2157

01:58:26.795 --> 01:58:28.195

to the Secretary of State Mm-Hmm.

2158

01:58:28.375 --> 01:58:29.955

And would the city council like to

2159

01:58:30.535 --> 01:58:32.395

say anything on the matter, Ms. Bryant?

2160

01:58:33.095 --> 01:58:35.315

Um, thank you. Yes. Uh, this,

2161

01:58:38.055 --> 01:58:38.835

I'm not the micro,

2162

01:58:45.685 --> 01:58:46.685

That's no problem. Uh, is

2163

01:58:46.685 --> 01:58:47.865

your microphone switched on?

2164

01:58:52.615 --> 01:58:54.115

It should be on green when it's on.

2165

01:58:57.325 --> 01:58:58.955

Hello? Can you hear me? Sorry.

2166

01:58:58.955 --> 01:59:00.955

That's Better. Thank you. Um, yes, I,

2167

01:59:01.115 --> 01:59:03.635

I apologize I missed a, an earlier part of the conversation.

2168

01:59:03.895 --> 01:59:08.035

Um, but what I would just like to say is that, um,

2169

01:59:08.875 --> 01:59:11.275

angling water and the city Council have been working on this

2170

01:59:11.275 --> 01:59:13.315

project for a very long time.

2171

01:59:13.975 --> 01:59:17.075

Um, we are constantly reviewing, uh,

2172

01:59:17.135 --> 01:59:18.355

the costs of the project.

2173

01:59:18.575 --> 01:59:22.715

The HIF fund is dedicated yes to the relocation, um,

2174

01:59:23.295 --> 01:59:25.835

and the, uh, city council

2175

01:59:26.575 --> 01:59:29.875

and Lia Water are very well aware of, um,

2176

01:59:30.545 --> 01:59:33.235

potential cost implications of, uh, delivery

2177

01:59:33.235 --> 01:59:34.275

of the project after that.

2178

01:59:34.335 --> 01:59:38.075

But we are signatories to the grant development agreement

2179

01:59:38.135 --> 01:59:39.395

as this has been agreed.

2180

01:59:39.815 --> 01:59:42.435

Um, it is complex, um,

2181

01:59:42.975 --> 01:59:45.715

but, um, we are the grant recipient body

2182

01:59:45.975 --> 01:59:49.395

and we have worked incredibly closely with all the partners,

2183

01:59:50.055 --> 01:59:52.555

um, over time to, to look at all the costs

2184

01:59:52.555 --> 01:59:54.035

that have been incurred to date and,

2185

01:59:54.175 --> 01:59:55.515

and reclaimed on that behalf.

2186

01:59:55.615 --> 01:59:58.795

We work very closely and meet monthly with homes England.

2187

01:59:59.415 --> 02:00:00.635

Um, and as Mr.

2188

02:00:00.725 --> 02:00:03.235

Comey has already mentioned in terms

2189

02:00:03.335 --> 02:00:07.835

of the discussions about the, uh, meeting the costs

2190

02:00:08.015 --> 02:00:10.875

and working with partners to ensure that that,

2191

02:00:10.875 --> 02:00:14.395

that the full funding package is in place, we are very,

2192

02:00:14.425 --> 02:00:16.035

very involved in those discussions.

2193

02:00:16.575 --> 02:00:20.275

Um, however, as has already been said, um, the,

2194

02:00:20.335 --> 02:00:21.995

the timing on those is critical.

2195

02:00:22.495 --> 02:00:26.635

Um, and they are, um, uh,

2196

02:00:27.015 --> 02:00:29.235

by necessity confidential at this stage.

2197

02:00:29.815 --> 02:00:32.035

But we will be working with Anglin Water

2198

02:00:32.295 --> 02:00:34.035

and Holmes England, um,

2199

02:00:34.815 --> 02:00:35.955

and have been working

2200

02:00:35.955 --> 02:00:38.395

with them over a long period of time very closely.

2201

02:00:39.415 --> 02:00:43.635

Um, and we will be releasing that information as Mr.

2202

02:00:43.705 --> 02:00:47.035

Comy has already said, as soon as we, uh, possibly can

2203

02:00:47.095 --> 02:00:49.475

and as soon as we have the agreement of parties to do so.

2204

02:00:50.585 --> 02:00:51.795

Okay. Thank you very much for that.

2205

02:00:53.495 --> 02:00:56.395

Um, I'm going to move on to the next agenda item,

2206

02:00:56.395 --> 02:00:59.475

unless anybody else has any comments on this particular one.

2207

02:01:02.025 --> 02:01:04.845

I'm saying no hands up in the room or online.

2208

02:01:06.915 --> 02:01:07.915

Mr. Gilder.

2209

02:01:10.125 --> 02:01:14.075

Thank you. I I was trying to make sure that we dealt

2210

02:01:14.075 --> 02:01:16.995

with the question of the HF um, separately, perhaps from a,

2211

02:01:17.075 --> 02:01:18.515

a very brief statement.

2212

02:01:18.695 --> 02:01:21.315

Um, on, on the question of land acquisition

2213

02:01:21.315 --> 02:01:22.635

and land acquisition costs.

2214

02:01:23.175 --> 02:01:26.235

Um, you are aware from the answer to 8 29,

2215

02:01:26.255 --> 02:01:27.995

and it was repeated, um, by Mr.

2216

02:01:28.185 --> 02:01:31.395

Katz today, um, that there is this 5 million pound budget

2217

02:01:31.545 --> 02:01:34.405

that, uh, the applicant has set aside

2218

02:01:34.405 --> 02:01:36.445

for land acquisition including blight.

2219

02:01:37.025 --> 02:01:41.225

Um, looking at the extent

2220

02:01:41.225 --> 02:01:43.945

of the freehold acquisitions that they're going to make,

2221

02:01:43.945 --> 02:01:47.755

which are predominantly of course, the, um, the,

2222

02:01:47.815 --> 02:01:52.555

the main work site, I'll leave aside the mysterious question

2223

02:01:52.555 --> 02:01:54.275

of whether you need to earn the freeholds

2224

02:01:54.275 --> 02:01:55.275

and the transfer tunnels

2225

02:01:55.275 --> 02:01:57.075

and how much they might cost you to acquire them.

2226

02:01:57.455 --> 02:02:02.195

Um, if we just look at those sites, um, we're in a situation

2227

02:02:02.195 --> 02:02:03.435

where that budget of three

2228

02:02:03.435 --> 02:02:07.155

and a half million for acquisition, um, is

2229

02:02:07.735 --> 02:02:10.275

not even at the top end of the scale

2230

02:02:10.495 --> 02:02:12.875

for agricultural land values at present in,

2231

02:02:12.935 --> 02:02:14.355

in, in East Anglia.

2232

02:02:14.355 --> 02:02:18.315

So we're, we're definitely looking at situation where, um,

2233

02:02:19.275 --> 02:02:24.045

without hope value, the main site value will eat up most of

2234

02:02:24.155 --> 02:02:27.645

that 3.5 million in, in, in acquisition costs.

2235

02:02:27.985 --> 02:02:30.005

And that's based on, on recent values.

2236

02:02:30.665 --> 02:02:33.005

Um, an important question, I think,

2237

02:02:33.005 --> 02:02:36.005

and any site on the outskirts of Cambridge is the extent

2238

02:02:36.285 --> 02:02:40.505

to which, um, there will be the necessity to pay

2239

02:02:41.175 --> 02:02:45.145

some element of hope value to the landowners in terms of

2240

02:02:45.145 --> 02:02:48.505

that long-term prospect of having, um, housing development

2241

02:02:48.505 --> 02:02:49.985

or other more profitable developments

2242

02:02:49.985 --> 02:02:51.585

than the sewage treatment works. Yeah.

2243

02:02:51.585 --> 02:02:53.585

Um, um, sorry, before, before you move on,

2244

02:02:53.855 --> 02:02:57.305

because, so save Honey Hill is not an affected party,

2245

02:02:58.285 --> 02:03:01.185

so I'm wondering if, I think your concern about

2246

02:03:01.405 --> 02:03:04.735

how they're going to pay compensation is,

2247

02:03:05.675 --> 02:03:08.535

is something that is

2248

02:03:08.535 --> 02:03:12.135

for affected parties comment on rather than, uh,

2249

02:03:12.245 --> 02:03:14.655

save Honey Hill Group on their behalf.

2250

02:03:15.175 --> 02:03:17.255

I, and I'm not really in terms of land values,

2251

02:03:17.325 --> 02:03:20.935

I've not seen any evidence that the applicant's, um,

2252

02:03:21.205 --> 02:03:22.735

figures are incorrect.

2253

02:03:24.515 --> 02:03:27.875

Okay, sir, I, I, I, I'll shorten this briefly.

2254

02:03:28.075 --> 02:03:29.795

I accept that we're not affected parties.

2255

02:03:30.335 --> 02:03:33.795

Um, I think it's to cast doubt on, on the 5 million, sir.

2256

02:03:34.055 --> 02:03:37.995

Um, and we will do so in writing, um, at the next deadline.

2257

02:03:38.415 --> 02:03:41.635

Um, I can certainly provide evidence on, um,

2258

02:03:41.655 --> 02:03:43.755

recent agricultural land transactions

2259

02:03:43.895 --> 02:03:45.955

and no doubt s will do the same.

2260

02:03:46.415 --> 02:03:49.915

Um, and that will help to indicate the extent to which, uh,

2261

02:03:51.735 --> 02:03:54.275

the extent to which that budget is is sufficient.

2262

02:03:54.655 --> 02:03:55.955

But clearly it's, it's a far,

2263

02:03:55.975 --> 02:03:58.235

far smaller sum than the 227 million

2264

02:03:58.295 --> 02:04:01.075

and it's not, it's not our primary point of concern.

2265

02:04:01.175 --> 02:04:02.195

So I'll leave it there, sir.

2266

02:04:02.865 --> 02:04:07.765

Okay, thank you. Any other comments on this

2267

02:04:07.825 --> 02:04:09.285

agenda item before we move on?

2268

02:04:10.215 --> 02:04:12.115

So, Michelle Moss for the applicant,

2269

02:04:12.255 --> 02:04:13.915

may I just respond to Yes, of course.

2270

02:04:14.255 --> 02:04:18.635

To that point, we've, we've heard from an expert

2271

02:04:19.465 --> 02:04:23.075

valuation valuer in relation to the, the budget

2272

02:04:23.095 --> 02:04:25.435

that's been allowed for acquisition costs.

2273

02:04:26.055 --> 02:04:29.515

Um, and, and the extent to the, the confirmation that

2274

02:04:29.675 --> 02:04:31.795

that has been built up in accordance

2275

02:04:31.795 --> 02:04:33.795

with established valuation principles.

2276

02:04:34.415 --> 02:04:37.445

Uh, and there's, there's an appropriate contingency.

2277

02:04:38.065 --> 02:04:40.485

Um, I don't believe

2278

02:04:40.485 --> 02:04:43.885

that Safe Honey Hill are holding themselves out as being

2279

02:04:44.505 --> 02:04:47.005

expert valuation agents in that respect.

2280

02:04:47.025 --> 02:04:50.685

And we also, the applicant also reiterates the point

2281

02:04:50.685 --> 02:04:52.805

that the examining authority has made as in questions,

2282

02:04:52.805 --> 02:04:55.325

the standing of Safe Honey Hill to make those sort

2283

02:04:55.325 --> 02:04:57.005

of comments in the context

2284

02:04:57.065 --> 02:04:58.485

of a compulsory acquisition hearing.

2285

02:05:00.195 --> 02:05:04.785

Okay, thank you. Well, in that case,

2286

02:05:04.785 --> 02:05:06.945

I'll move on to agenda item eight, which is a review

2287

02:05:06.945 --> 02:05:09.025

of issues and actions arising, which were led

2288

02:05:09.025 --> 02:05:10.105

by Mr. Burley.

2289

02:05:10.475 --> 02:05:13.865

Thank you. We've got 24 actions, um, actions

2290

02:05:13.925 --> 02:05:17.385

for the applicant, county council, national Highways,

2291

02:05:17.925 --> 02:05:19.945

and the conservatives of the River cam.

2292

02:05:20.585 --> 02:05:21.825

I won't go through them all now.

2293

02:05:22.325 --> 02:05:25.505

We will publish a list of them, um, usually within

2294

02:05:26.115 --> 02:05:29.585

about a week from the close of, um, these sessions.

2295

02:05:30.085 --> 02:05:32.705

Um, but I've seen everybody being noting them down,

2296

02:05:32.925 --> 02:05:35.385

so hopefully people will progress them

2297

02:05:35.685 --> 02:05:36.825

in the intervening period.

2298

02:05:37.435 --> 02:05:38.435

Thank you.

2299

02:05:43.065 --> 02:05:48.055

Thank you. Um, moving on then to agenda item nine.

2300

02:05:48.795 --> 02:05:52.095

Any other matters I've had no other matters notified me

2301

02:05:52.095 --> 02:05:54.455

under this agenda item that people with wish to raise.

2302

02:05:55.475 --> 02:05:57.855

Um, are there any items anybody wishes to raise

2303

02:05:58.425 --> 02:05:59.615

after what they've heard today,

2304

02:06:01.625 --> 02:06:03.285

either in the room or virtually?

2305

02:06:07.765 --> 02:06:09.985

No, actually no hands on line either.

2306

02:06:11.705 --> 02:06:15.605

Um, there was something that I was hoping just to raise,

2307

02:06:15.865 --> 02:06:18.165

I'm conscious of time, but I think this will probably only

2308

02:06:18.165 --> 02:06:19.845

take about 15 minutes.

2309

02:06:20.585 --> 02:06:24.855

Um, and it was the agenda item tomorrow morning

2310

02:06:25.875 --> 02:06:29.065

deals with, uh, application documents.

2311

02:06:29.805 --> 02:06:32.145

Um, I, because it's not specific to

2312

02:06:32.925 --> 02:06:35.265

the issue specific hearing as such,

2313

02:06:35.385 --> 02:06:39.365

I was hoping we might just run through that now as part

2314

02:06:39.365 --> 02:06:41.365

of this section to save time

2315

02:06:42.425 --> 02:06:44.365

in the hearing tomorrow and the next day.

2316

02:06:44.705 --> 02:06:48.445

If you are, if you're happy with that.

2317

02:06:54.645 --> 02:06:56.745

So Michelle Moss for the applicant, I, I may need

2318

02:06:56.745 --> 02:07:00.305

to check whether we have somebody, uh, prepared to be able

2319

02:07:00.465 --> 02:07:02.425

to deal with that at this present time.

2320

02:07:02.925 --> 02:07:04.825

Um, it certainly would not be myself here

2321

02:07:04.985 --> 02:07:06.185

tomorrow representing the applicant.

2322

02:07:06.245 --> 02:07:09.585

It would be, uh, a colleague who is not present in the room.

2323

02:07:27.895 --> 02:07:29.265

Yeah, it is more of a factual,

2324

02:07:29.575 --> 02:07:32.625

it's not asking questions on application documents,

2325

02:07:32.625 --> 02:07:34.705

it's more highlighting where there may be

2326

02:07:36.915 --> 02:07:38.115

documents missing

2327

02:07:38.375 --> 02:07:41.155

or where changes that they've been made and they haven't.

2328

02:07:42.545 --> 02:07:43.885

So thank you for clarifying.

2329

02:07:44.225 --> 02:07:47.885

Um, we're certainly happy to to to run through that list

2330

02:07:47.885 --> 02:07:49.605

and if necessary, I can take things away

2331

02:07:49.605 --> 02:07:52.165

and ask for it to be dealt with first thing in the morning.

2332

02:07:52.165 --> 02:07:54.205

If there's anything that we can't pick up right now,

2333

02:07:54.715 --> 02:07:55.715

Pick Sure. And we can,

2334

02:07:55.715 --> 02:07:56.765

and firstly in the morning,

2335
02:07:56.825 --> 02:07:58.605
we can refer back to this as as well.

2336
02:07:58.825 --> 02:08:00.405
Um, certainly. Okay.

2337
02:08:00.985 --> 02:08:05.285
So just briefly, firstly, matters around,

2338
02:08:05.835 --> 02:08:08.625
sorry, matters around inconsistencies in updated documents.

2339
02:08:09.245 --> 02:08:13.985
So for example, environmental statement ES chapter two, um,

2340
02:08:16.025 --> 02:08:18.465
a PP oh three four was the original submission.

2341
02:08:19.125 --> 02:08:21.425
It was updated rep 1 0 2 1

2342
02:08:21.725 --> 02:08:24.865
and rep 1 0 2 2 was the track change version.

2343
02:08:27.455 --> 02:08:31.325
The updated document appears to be a different document.

2344
02:08:31.625 --> 02:08:34.365
It appears to have been updated from a different document to

2345
02:08:34.365 --> 02:08:35.485
that's originally submitted.

2346
02:08:41.225 --> 02:08:43.325
So for example, the contents page was different.

2347
02:08:43.325 --> 02:08:45.285
There was different parts in it.

2348
02:08:46.555 --> 02:08:50.455

Um, obviously it's, it's been updated again, so we kind of,

2349

02:08:51.505 --> 02:08:52.785

I think it needs, I think it needs

2350

02:08:52.785 --> 02:08:53.865

to look back at the original

2351

02:08:53.925 --> 02:08:57.025

and how that was then updated, um, at Deadline one.

2352

02:08:58.435 --> 02:09:00.745

Thank you sir Ek. Okay, ES chapter 13,

2353

02:09:01.385 --> 02:09:03.385

historic environment clean version.

2354

02:09:04.005 --> 02:09:05.465

It has some error references

2355

02:09:05.605 --> 02:09:07.305

and it contains some track changes.

2356

02:09:11.515 --> 02:09:15.375

The baseline agricultural land classification rep 1 0 30,

2357

02:09:16.805 --> 02:09:18.295

there's no track change version

2358

02:09:20.115 --> 02:09:22.815

and the page numbering is, has gone awry.

2359

02:09:26.015 --> 02:09:30.835

Uh, paragraph 2.2, 0.1 of the preliminary ecological

2360

02:09:31.625 --> 02:09:35.195

appraisal, which is a S oh seven two, uh,

2361

02:09:35.195 --> 02:09:36.755

includes a broken reference error,

2362

02:09:41.665 --> 02:09:44.405

um, matters around the and updated documents.

2363

02:09:44.545 --> 02:09:47.205

So the intention I think is for this

2364

02:09:47.205 --> 02:09:51.365

to be a standalone document, which would then be,

2365

02:09:53.765 --> 02:09:57.475

which would be a, um, certified document in the DCO.

2366

02:09:58.015 --> 02:10:02.075

Um, but would it be preferable

2367

02:10:02.095 --> 02:10:05.045

or easier for the understanding of documents

2368

02:10:05.045 --> 02:10:07.725

for relevant parts of it to be either appended

2369

02:10:07.745 --> 02:10:08.805

to the relevant document

2370

02:10:08.805 --> 02:10:12.845

or the document actually updated with the detail in theta

2371

02:10:13.465 --> 02:10:14.605

at the final deadline.

2372

02:10:16.705 --> 02:10:18.965

And obviously any new documents coming forward

2373

02:10:19.575 --> 02:10:24.245

which are updated before that to be updated

2374

02:10:24.275 --> 02:10:27.485

with the AR rta so that everyone, we're not all,

2375

02:10:27.655 --> 02:10:29.725

we're not relying on looking at the ar RTA list,

2376

02:10:30.545 --> 02:10:32.285

we can actually see what's been changed

2377

02:10:32.285 --> 02:10:33.405

in the actual documents.

2378

02:10:37.545 --> 02:10:39.525

So we'll, we'll take a look at that then.

2379

02:10:40.275 --> 02:10:43.825

There may be a, a different approach in relation

2380

02:10:43.825 --> 02:10:45.785

to the relevant document depending on the extent

2381

02:10:45.785 --> 02:10:47.865

of Dear Arthur, but we'll have a look at the most pragmatic

2382

02:10:47.925 --> 02:10:50.105

way and, uh, and come back to you on that.

2383

02:10:50.225 --> 02:10:52.545

I mean, it may be at the very end of the deadline, the

2384

02:10:53.555 --> 02:10:56.445

bits from the article list are appended to the document

2385

02:10:56.445 --> 02:11:00.585

and that document resubmitted if it's not, if,

2386

02:11:00.605 --> 02:11:02.505

if it doesn't come in as a track change version,

2387

02:11:03.095 --> 02:11:05.305

because then otherwise you're looking at different documents

2388

02:11:05.525 --> 02:11:06.705

to see where the changes are.

2389

02:11:08.125 --> 02:11:09.505

So, we'll, we'll, we'll have a look at that.

2390

02:11:09.735 --> 02:11:14.305

Okay, thank you. Um, potential missing documents.

2391

02:11:15.405 --> 02:11:19.845

Uh, an updated flood risk assessment was due

2392

02:11:19.845 --> 02:11:23.045

to be submitted to the Environment Agency by deadline three.

2393

02:11:24.025 --> 02:11:27.205

Um, did this happen, do you know, um,

2394

02:11:29.145 --> 02:11:30.485

and was Aversion supposed

2395

02:11:30.485 --> 02:11:32.445

to be submitted into the examination?

2396

02:11:32.565 --> 02:11:33.645

The deadline three as well?

2397

02:11:36.975 --> 02:11:38.435

So Michelle Moss for the applicant,

2398

02:11:38.695 --> 02:11:40.995

the signal I have had from the back of the room is

2399

02:11:40.995 --> 02:11:42.435

that it was submitted to

2400

02:11:42.435 --> 02:11:44.875

The exa to the, um, environment Agency,

2401

02:11:44.875 --> 02:11:46.435

Certainly to the Environment Agency.

2402

02:11:55.455 --> 02:11:59.275

So, um, it hasn't yet been submitted to the xa.

2403

02:11:59.275 --> 02:12:00.395

There's been some initial comments

2404

02:12:00.395 --> 02:12:01.195

that have come in from the

2405

02:12:01.195 --> 02:12:02.515

environment agency, which have been

2406

02:12:03.035 --> 02:12:04.035

Okay. Okay, thank

2407

02:12:04.035 --> 02:12:05.315

you. Um,

2408

02:12:05.695 --> 02:12:08.675

the EX Q1 response suggested an updated

2409

02:12:09.195 --> 02:12:11.675

ES historic environment figures had been provided.

2410

02:12:12.675 --> 02:12:16.955

I think there was some annotation errors on that,

2411

02:12:17.255 --> 02:12:19.515

but it does not appear to have been provided.

2412

02:12:25.715 --> 02:12:26.895

Uh, the updated code

2413

02:12:26.895 --> 02:12:29.175

of construction practice Part B was provided.

2414

02:12:29.535 --> 02:12:32.255

Deadline three. Um, on the front cover,

2415

02:12:32.255 --> 02:12:34.535

it suggests changes have been made to pages three and four,

2416

02:12:34.595 --> 02:12:35.895

but none or apparent

2417

02:12:40.415 --> 02:12:44.675

the version history list, uh, in the version history list.

2418

02:12:44.675 --> 02:12:48.835

Yeah, so I dunno if that's just an error

2419

02:12:48.975 --> 02:12:50.635

or whether there were track changes which are,

2420

02:12:50.635 --> 02:12:52.835

should have been made but haven't check,

2421

02:12:55.415 --> 02:12:57.715

uh, code of construction practice part A.

2422

02:12:58.575 --> 02:13:00.595

Um, the response

2423

02:13:00.595 --> 02:13:03.395

that EXQ wants suggested it has been updated at paragraph

2424

02:13:03.505 --> 02:13:07.675

five point 15.1 to reflect a correct height

2425

02:13:07.675 --> 02:13:09.795

of 10 meters rather than 15 meters.

2426

02:13:10.915 --> 02:13:12.925

However, this does not appear to be the case.

2427

02:13:14.105 --> 02:13:17.925

Um, and we would ask that all documents that

2428

02:13:17.945 --> 02:13:21.085

to check all documents updated are updated

2429

02:13:21.085 --> 02:13:22.885

where the applicant has said they would be,

2430

02:13:27.325 --> 02:13:32.165

um, as part of, of the Q1, we were

2431

02:13:32.765 --> 02:13:34.925

response, we were told that updated access

2432

02:13:34.925 --> 02:13:37.805

and traffic regulation order plans would be

2433

02:13:38.045 --> 02:13:40.415

provided, but they weren't.

2434

02:13:44.025 --> 02:13:46.795

Also, there was a map showing the temporary parking

2435

02:13:46.795 --> 02:13:51.155

restriction of the Van Road Junction with Denny end car.

2436

02:13:51.225 --> 02:13:55.415

D**e Lane Was due to be provided,

2437

02:13:55.435 --> 02:13:56.975

but that wasn't provided.

2438

02:13:59.075 --> 02:14:02.175

We're also unsu where car d**e lane is.

2439

02:14:06.015 --> 02:14:10.595

Um, and then ex Q1, some answers were obscured, for example,

2440

02:14:10.875 --> 02:14:14.315

ESQ 1.8 point 19, um,

2441

02:14:16.895 --> 02:14:19.945

part two or two in bracket there was the XQ number

2442

02:14:20.005 --> 02:14:21.025

was missing from that one.

2443

02:14:21.685 --> 02:14:24.225

But some of the answers obscured in the box,

2444

02:14:29.795 --> 02:14:33.335

uh, within the applicant's response to EXQ 1.2,

2445

02:14:33.595 --> 02:14:35.615

1.29.

2446

02:14:38.195 --> 02:14:40.615

It is stated the outlined commissioning plan would be

2447

02:14:40.615 --> 02:14:42.695

updated to ensure that it aligns

2448

02:14:42.695 --> 02:14:45.335

with ES chapter 20 water resources,

2449

02:14:46.475 --> 02:14:50.605

paragraph 4.1, 0.181 to 1 8 4,

2450

02:14:51.535 --> 02:14:52.885

which sets out measures

2451

02:14:52.885 --> 02:14:54.845

to be included within the commissioning plan.

2452

02:14:56.105 --> 02:14:58.875

However, the outlying commissioning plan was not updated

2453

02:14:58.975 --> 02:14:59.435

as stated,

2454

02:15:06.565 --> 02:15:08.425

and that, um, Cambridge,

2455

02:15:08.645 --> 02:15:10.305

it was whether Cambridge City Council

2456

02:15:10.525 --> 02:15:13.905

and South Cambridge District Council had intended

2457

02:15:13.965 --> 02:15:17.145

to submit written summaries of all oral representations.

2458

02:15:18.805 --> 02:15:20.945

It looked like one of the file names was named that,

2459

02:15:21.045 --> 02:15:24.635

but it didn't include, um, a written summary

2460

02:15:24.655 --> 02:15:26.115

of the oral submissions.

2461

02:15:27.685 --> 02:15:30.985

So if any representative of Cambridge City Council,

2462

02:15:31.035 --> 02:15:34.635

south Cambridge District Council still online,

2463

02:15:35.025 --> 02:15:38.255

it'd be useful to have an answer to that.

2464

02:15:47.755 --> 02:15:48.905

Maybe we'll come back to that.

2465

02:15:50.155 --> 02:15:50.375

Oh,

2466

02:15:54.905 --> 02:15:55.725

ah, you're on mute.

2467

02:15:58.215 --> 02:16:00.485

Sorry, I I missed that, sir. Forgive me.

2468

02:16:00.725 --> 02:16:02.685

I was, I was listening, but I wasn't expecting,

2469

02:16:02.745 --> 02:16:04.925

so I wasn't seeing quite the right idea.

2470

02:16:06.095 --> 02:16:08.035

It was whether, uh, Cambridge City Council,

2471

02:16:08.255 --> 02:16:10.595

say South Cambridge District Council had

2472

02:16:11.595 --> 02:16:14.075

intended submit written summaries of their oral submissions

2473

02:16:14.175 --> 02:16:16.195

of the previous, of for the previous hearing.

2474

02:16:17.605 --> 02:16:19.105

Yes. No, I do have instruction on that.

2475

02:16:19.105 --> 02:16:22.785

The, the, um, forgive me for the,

2476

02:16:23.545 --> 02:16:25.265

I I am understanding that this was

2477

02:16:25.265 --> 02:16:28.465

because, um, the, we chose not

2478

02:16:28.465 --> 02:16:32.085

to put in summaries in relation to the first hearing ISH.

2479

02:16:32.385 --> 02:16:35.245

Yes. Um, and the reason for that was

2480

02:16:35.245 --> 02:16:38.045

because a lot of the matters that were dealt with

2481

02:16:38.045 --> 02:16:39.845

and summarized were addressed

2482

02:16:39.845 --> 02:16:42.845

through the local impact reports and, uh,

2483

02:16:42.845 --> 02:16:46.925

and indeed in answering, um, your questions, so, um,

2484

02:16:47.305 --> 02:16:50.485

my instructions are that, that for, for the, um,

2485

02:16:50.705 --> 02:16:53.725

the hearings to, to that we heard on, um, Wednesday

2486

02:16:53.725 --> 02:16:56.085

and Thursday that there will be summary resubmitted.

2487

02:17:00.865 --> 02:17:04.475

Yeah. For this week, you mean? Yes. Okay. That's fine.

2488

02:17:04.515 --> 02:17:05.835

I was just checking whether No,

2489

02:17:05.835 --> 02:17:07.275

that's fine, but just hadn't.

2490

02:17:07.305 --> 02:17:08.635

Okay, thank you. Okay.

2491

02:17:08.735 --> 02:17:09.995

Um, and then, then finally, and we can confirm

2492

02:17:09.995 --> 02:17:10.995

Again tomorrow morning.

2493

02:17:12.605 --> 02:17:15.335

Okay. Thank you. And then finally, uh,

2494

02:17:15.335 --> 02:17:17.655

the applicant's post-hearing submission document,

2495

02:17:17.655 --> 02:17:21.615

which was rep 1 0 8 2 appendix C

2496

02:17:22.695 --> 02:17:25.135

includes a working timetable,

2497

02:17:25.435 --> 02:17:30.195

and it was just whether you could clarify it,

2498

02:17:30.195 --> 02:17:31.435

whether the remediation

2499

02:17:31.435 --> 02:17:33.995

of the existing wastewater treatment plant would occur

2500

02:17:34.015 --> 02:17:36.605

before the commissioning

2501

02:17:36.625 --> 02:17:41.085

of the proposed wastewater treatment plant as stated in it.

2502

02:17:42.425 --> 02:17:43.685

So would the remediation

2503

02:17:43.685 --> 02:17:46.045

of the existing wastewater treatment plant occur

2504

02:17:46.045 --> 02:17:47.085

before the commissioning

2505

02:17:47.085 --> 02:17:48.965

of the proposed wastewater treatment plant?

2506

02:17:54.435 --> 02:17:56.335

You, you may want to have a look. Do you want

2507

02:17:56.335 --> 02:18:00.775

Me to, um, so no, I don't think that

2508

02:18:00.775 --> 02:18:03.615

that is the case because we have to have one

2509

02:18:03.615 --> 02:18:04.615

Running. Yeah. Otherwise,

2510

02:18:04.615 --> 02:18:07.255

they'll otherwise running at this problem.

2511

02:18:07.715 --> 02:18:10.055

So it may be, we may, I may come back to

2512

02:18:10.055 --> 02:18:12.335

that tomorrow if maybe you can have a look at it Yeah.

2513

02:18:13.275 --> 02:18:14.405

Overnight. Um,

2514

02:18:15.545 --> 02:18:16.645

and we will come back to

2515

02:18:16.645 --> 02:18:18.205

that just to clarify in the morning.

2516

02:18:20.165 --> 02:18:23.195

Thank you. And that was it.

2517

02:18:24.745 --> 02:18:26.935

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

2518

02:18:27.075 --> 02:18:30.615

may I just clarify how you'd, what your preference would be

2519

02:18:30.615 --> 02:18:32.415

for responding on some of those points of detail?

2520

02:18:32.415 --> 02:18:36.335

Would it, would it be to hear here on them tomorrow morning

2521

02:18:36.555 --> 02:18:40.735

or would you prefer to receive confirmation in writing safe

2522

02:18:40.735 --> 02:18:42.215

or perhaps the latter point, which Yeah,

2523

02:18:42.215 --> 02:18:44.095

You don't, I think unless we need to refer to it.

2524

02:18:44.445 --> 02:18:47.415

Otherwise we may put it into the actions, actions list.

2525

02:18:47.805 --> 02:18:52.645

Okay. Yeah, I mean we,

2526

02:18:52.645 --> 02:18:54.835

we'll have 'em at deadline four,

2527

02:18:54.855 --> 02:18:56.635

but we could put them on the actions list.

2528

02:18:56.745 --> 02:18:58.715

Yeah, certainly for as well.

2529

02:18:59.865 --> 02:19:04.685

Just as a, yeah, just to highlight it again, um,

2530

02:19:06.455 --> 02:19:08.405

There may be some points that we do need

2531

02:19:08.405 --> 02:19:09.965

to address on an As

2532

02:19:09.965 --> 02:19:12.565

and when basis in the issue specific hearings,

2533

02:19:12.665 --> 02:19:13.845

but we'd hope

2534

02:19:13.875 --> 02:19:16.965

that the individual experts would be sufficiently appraised

2535

02:19:16.985 --> 02:19:19.765

of their area, that they'd be able to deal with them.

2536

02:19:20.645 --> 02:19:22.435

Thank you, sir. We'll make

2537

02:19:22.495 --> 02:19:23.915

the relevant team members aware.

2538

02:19:23.915 --> 02:19:24.915

They're just not all here today.

2539

02:19:26.325 --> 02:19:29.025

Thank you, Mr. Gilda.

2540

02:19:30.645 --> 02:19:34.635

Thank you, sir. I thought hopefully

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02:19:34.635 --> 02:19:37.195

that we might not get to this until tomorrow morning,

2542

02:19:37.255 --> 02:19:40.075

but you clearly are keen to, to get some

2543

02:19:40.075 --> 02:19:41.795

of the administration outta the way before,

2544

02:19:42.095 --> 02:19:43.395

before tomorrow's hearing.

2545

02:19:43.815 --> 02:19:47.315

Um, I've got one particular point to make, sir, which is

2546

02:19:47.625 --> 02:19:51.075

that I have looked in considerable detail at the most LA the

2547

02:19:51.075 --> 02:19:52.955

latest revision of ES chapter two.

2548

02:19:53.655 --> 02:19:55.715

And there are still substantive

2549

02:19:55.855 --> 02:19:58.115

inconsistencies in that document.

2550

02:19:58.215 --> 02:19:59.435

And between that document

2551

02:19:59.455 --> 02:20:04.435

and the draft, ECA, it would be inappropriate, I think,

2552

02:20:04.655 --> 02:20:07.355

to go through those details in front of you tomorrow.

2553

02:20:07.975 --> 02:20:10.875

Um, I'm happy to share the ones I have found

2554

02:20:10.875 --> 02:20:13.965

with the applicant because apart from those,

2555

02:20:14.455 --> 02:20:16.605

apart from this updating from a different place,

2556

02:20:17.095 --> 02:20:19.925

there are a series of errors which have not been corrected

2557

02:20:19.925 --> 02:20:21.565

through successive versions.

2558

02:20:22.565 --> 02:20:24.895

Okay. I think if it'd be beneficial to put

2559

02:20:24.895 --> 02:20:26.495

that in writing, I think,

2560

02:20:26.875 --> 02:20:30.095

or if you want to leave with the applicant, um,

2561

02:20:31.115 --> 02:20:32.255

rather than go through them.

2562

02:20:32.605 --> 02:20:34.815

Well, I, I think it's, it's, it's a waste

2563

02:20:34.815 --> 02:20:36.295

of a hearing's time, to be honest.

2564

02:20:36.395 --> 02:20:39.575

So to go through f factual points like that, um,

2565

02:20:40.095 --> 02:20:41.255

I am concerned to make sure

2566

02:20:41.255 --> 02:20:44.415

that they do get properly addressed by the applicant, um,

2567

02:20:44.995 --> 02:20:47.295

rather than just being ignored. Um,

2568

02:20:47.385 --> 02:20:48.855

Could you maybe just give one example?

2569

02:20:52.685 --> 02:20:56.155

Yes, there are, um, well, I'll,

2570

02:20:56.155 --> 02:20:58.475

I'll pick one at round almost at random from my list.

2571

02:20:58.495 --> 02:20:59.555

So there are only about 10 on it.

2572

02:20:59.815 --> 02:21:04.475

Um, table 1 23 in ES chapter two gives the

2573

02:21:04.475 --> 02:21:06.435

incorrect dimensions of the gateway building.

2574

02:21:06.905 --> 02:21:10.115

They're not now the dimensions that appear in the draft ECA,

2575

02:21:10.575 --> 02:21:13.915

um, and it does the same in relation to the workshop.

2576

02:21:14.455 --> 02:21:19.395

Um, so it's clear that as that the 18th of December, 2023

2577

02:21:20.755 --> 02:21:23.835

ES chapter two hadn't been updated to match other documents

2578

02:21:23.835 --> 02:21:25.595
that were submitted at Deadline three.

2579

02:21:30.165 --> 02:21:35.125
Okay. Thank you. I suppose the point is when one

2580

02:21:35.325 --> 02:21:39.835
document's updated, all documents need checking,

2581

02:21:41.085 --> 02:21:43.755
especially where figures change in the DC0, I guess,

2582

02:21:43.935 --> 02:21:45.915
and in different chapters.

2583

02:21:48.625 --> 02:21:49.805
So yes, thank you.

2584

02:21:49.855 --> 02:21:53.445
There, there's often consequential changes which the

2585

02:21:53.445 --> 02:21:55.005
applicant will check if they have

2586

02:21:55.005 --> 02:21:56.045
been properly tracked through.

2587

02:21:56.715 --> 02:21:57.405
Okay. Thank you.

2588

02:22:00.705 --> 02:22:01.725
Oh, sorry, that was all I had.

2589

02:22:02.145 --> 02:22:03.725
Um, so in that case,

2590

02:22:04.585 --> 02:22:06.925
unless anybody else has got any questions

2591

02:22:09.305 --> 02:22:10.925

No, no.

2592

02:22:12.085 --> 02:22:13.625

In that case, I'll move to close the hearing.

2593

02:22:15.625 --> 02:22:17.005

Um, I'd Just like to thank everyone,

2594

02:22:17.005 --> 02:22:18.525

including virtual participants

2595

02:22:18.525 --> 02:22:19.765

for contributing to this hearing.

2596

02:22:20.585 --> 02:22:23.285

Um, maybe may we remind you this, a digital recording

2597

02:22:23.285 --> 02:22:26.205

of the proceedings today will be made available as soon

2598

02:22:26.205 --> 02:22:27.845

as practicable on the project page

2599

02:22:27.845 --> 02:22:29.605

of the National Infrastructure Planning website.

2600

02:22:31.445 --> 02:22:33.545

May we also remind you of the next stages of the process?

2601

02:22:34.885 --> 02:22:37.785

Um, an issue specific hearing on environmental matters will

2602

02:22:37.785 --> 02:22:39.985

be held here tomorrow and on Thursday.

2603

02:22:41.025 --> 02:22:44.065

Deadline for is on the 22nd of January, 2024,

2604

02:22:44.435 --> 02:22:45.945

which includes written summaries

2605
02:22:45.945 --> 02:22:48.625
of oral submissions at hearings.

2606
02:22:49.045 --> 02:22:51.305
And our second written questions if required,

2607
02:22:51.635 --> 02:22:54.545
would be on 31st of January, 2024.

2608
02:22:57.555 --> 02:22:59.895
The time is now 5:33 PM

2609
02:23:00.155 --> 02:23:01.655
and this compulsory acquisition hearing

2610
02:23:01.915 --> 02:23:04.415
for the Cambridge Wastewater Treatment plants,

2611
02:23:04.735 --> 02:23:06.575
relocation projects is now closed.

2612
02:23:06.665 --> 02:23:07.375
Thank you very much.