

TRANSCRIPT_RIVENHALL_PRELIM_SESSI ON1_090424

Tue, Apr 09, 2024 10:55AM • 30:05

00:05

Okay, good morning. Can everyone hear and see me clearly?

00:11

A Yes. Currency. Okay, fantastic. Thank you very much. Can I also confirm that their live streaming has commenced?

00:21

That's correct. Yeah, the live stream and recording has commenced. Lovely, thank you very much. Well, it's now 10 o'clock, and I'd like to welcome you all to the preliminary meeting, which precedes the examination for the ravenhall IWM. F project. My name is Jonathan Manning. I'm a charter town planner and a planning inspector. And I've been appointed by the Secretary of State's, as a single member, examining authority for this application.

00:47

For anybody watching the live stream, can I advise that should we need to adjourn proceedings at any point this morning, we will have to stop the live stream in order to give us a clearer recording file. As a result, at the point at which we recommence the meeting, and restart the live stream, you will need to refresh your browser page to view the restarted stream. I will remind you of this. In the event that we do need to adjourn.

01:15

You will have already spoken to Tracy Williams, who is the case manager for this project. Tracy is being supported today by Ryan Sedgman. Together, they are the case team for this project. And if you have any queries or questions for them, they are the first point of contact. And their contact details can be found at the top of any letter that you have received from us on or indeed the project page on the national infrastructure website.

01:45

Before I consider the items on the agenda for this meeting, there are some additional housekeeping matters that I do need to run through. In addition to those setup, I'm Sedgman in the arrangements conference.

01:59

As far as I'm aware, there's no requests that have been made for any special measures or arrangements to enable participation in the meeting this morning. Can I just double check with everyone that that that is correct.

02:16

Okay, thank you, I will take that as a nice thank you. As I've already mentioned, this event is being both live streamed and recorded, as it was explained in my letter of the 12th of March. Because the digital recordings that have been made are retained and published. They form a public record and can contain your personal information, and which the general data protection regulations apply. The patent or inspectorates practice is to retain and publish recordings for a period of five years from the Secretary of State's decision on the development consent order.

02:54

Consequently, if you participate in the meeting today, it is important that you understand that you will be recorded and that you are consenting to the retention and publication of the digital recording.

03:07

To avoid the need to edit the digital recording, I would ask you to try your best during the course of the meeting not to add information to the public record that you would wish to be kept private or that is confidential.

03:22

Does anyone have any queries about that?

03:28

No. Okay, thank you.

03:31

Can I request that in order to minimise background noise, please can we have our mobile phones switched off or turned to silent and that you stay muted unless you were speaking, as this is a virtual meeting is structured so that the questions or points that you may wish to raise can be dealt with at the relevant points in the proceedings? When we get to those points, I would ask that if you want to speak you either use the raise of hand function on the IMS teams or ask to speak at the appropriate time.

04:03

Could I also remind people that the chat function on teams should not be used as it's ultimately not monitored.

04:11

And many comments won't be taken into account.

04:15

If you do not manage to ask your question or raise your point, as we go along, there will be another opportunity to raise anything and any other matters towards the end of the meeting.

04:27

Finally, in terms of timing, so I'm conscious of risk of video conferencing fatigue. And I hope we will be able to deal with matters fairly quickly this morning. However, if we do get to around 1130, and there's still a significant amount to deal with, then I will adjourn for a break.

04:46

Okay, any other questions about anything we've set out so far?

04:54

No, okay. Okay, the meeting will follow the agenda set out in my letter of the 12th of March.

05:00

which I will refer to now as the rule six letter.

05:05

If you have a copy of the letter to hand, please attend to annex A, which sets up the agenda for us today. Hopefully Mr. Sedgman can share the screen with the agenda on lovely I can see that now thank you very much. The lesser intergender are available on the project page of the national infrastructure website, where they can be found in examination Library Reference PD 002.

05:33

Now the rule six letter sets out the purpose of the preliminary meeting. But to explain briefly, why we are here today.

05:42

Firstly, it's just to focus on the way the application will be examined. We will be discussing only the procedural aspects of the examination today. And as much as it may be tempting, I am not taking any evidence this morning, no will be going through or going into the merits of the case for the application.

06:04

Those matters will be considered once the examination begins, which follows the close of this preliminary meeting. Hopefully, by the end of the meeting, you will have the comfort that there will be sufficient opportunities throughout the examination for you all to express your views. I will aim to balance efficiency with fairness, which means allowing you to have your say, and to allow you to inform me of everything that you need to at this stage. But on the other hand, I will endeavour to make sure that all contributions are to the point and focused as possible, so that we make the best use of time available and allow everyone who wishes to speak the opportunity to do so.

06:45

notes of the meeting are being taken. The notes will be placed on the project page of the national infrastructure website.

06:54

And deposited in the locations listed in Annex A of the rule six letter as soon as practicable after the close of the meeting.

07:03

As already mentioned, a digital recording is being made of today's meeting. And these two will be placed on the project page of the national infrastructure website as soon as practicable.

07:15

With this in mind, it'd be very useful. Each time anyone speaks if you could state your name. And if you are representing someone who that is.

07:26

Finally, bear in mind that only official, the official recording of today's proceedings are the notes and the digital recording, tweets, blogs and similar communications arising out of this meeting will not be accepted as evidence in the examination.

07:45

Thank you very much. And that concludes my initial introduction. I'm now going to ask those who are participating today to introduce yourselves. When I state your name, if you could unmute yourself and turn on your camera and give a brief introduction of who you represent. And can we start with the applicant, please? I have first on my list. Carly Vince.

08:14

Hello, I'm Carly Vince. I'm a senior director at quad with the planning advisors to endeavour

08:22

Okay, thank you very much.

08:25

And Rebecca Butterworth

08:30

and I I'm Rebecca Butterworth. I'm an associate at Herbert Smith Freehills and we are planning legal advisors to the applicant endeavour. Okay, thank you

08:43

Gareth Jones as Mr. Jones their

08:47

apologies, Mr. Jones and Mr. Geary aren't here. We're representing the applicant today. Okay. Thank you very much. Thank you. Okay, okay. Okay, next I come to Essex County Council, Mark Witcher.

09:07

Thank you, sir. Good morning. My name is Manuel Jersey currently said. My job description is I'm a principal planner. I work on national strategic infrastructure projects. And I'm a member of the royal Town Planning Institute. And I'm here with one of my colleagues today for can introduce her to the meeting on your behalf. So her name is Claire Tomlin

09:32

was having issues with hope sister teams on this browser. She's here now. Thank you. Good morning. Yes, my name is Claire Tomlin. I'm a principal planning officer within the minerals and waste planning team of Essex County Council, and I've been the case officer for the river nor IWM F since 2008.

10:07

Believe the examining authorities just having some trouble with teams currently. So we're just going to have a very short technical break while all the examining authority comes back. So if you just bear with us just for a few minutes, please thank you

10:41

apologies for that interruption.

10:45

So I asked his county council what I heard the first few seconds from you. And then unfortunately it froze for me. Could you repeat your introduction please?

10:57

Of course, sir. Again, good morning. My name is Mark Bucha. I'm a chartered town planner with represent Essex County Council and I am a principal planner working on national strategic infrastructure projects. And as before, I'll introduce my client, my colleague, Claire Tobin. To you sir. Thank you. Thank you very much.

11:21

Good morning. Yes, my name is Claire Tomlin. I'm a principal Planning Officer at Essex County Council within the minerals and waste planning team. And I've been the case officer at ravenhall since 2008.

11:32

Thank you very much.

11:35

And now to the to Braintree District Council, please. Alan Massa.

11:41

Thanks, Alan so Braintree District Council. I'm the principal planning policy officer in the local plans team.

11:49

And I also deal with n zips. I am joined by my colleague Julio Hara introduce Julie, thank you very much.

12:09

You may not have heard us.

12:12

That's okay. Upon apologies. My name is Julio O'Hara, and I am a Senior Planning Officer with the local plans team at Braintree District Council. And I am here supporting Alan Massa.

12:27

Fantastic. Thank you very much and welcome.

12:31

Is there anyone here from the East of England ambulance service NHS Trust?

12:41

No, and Essex County Fire and Rescue Service?

12:50

No, okay. Thank you very much.

12:56

Okay, there may also be a number of people observing this live event on the live stream.

13:04

And I just like to remind those that if there are any questions or points they wish to raise, then they can do so in writing by deadline one on the seventh of May 2024.

13:16

Okay, can I just confirm that everyone who wishes to potentially speak today has introduced themselves

13:31

so sorry, for being late, I had a meeting that over and so my name is Zoe Ma, I'm head of business relationships at least. And if there's an opportunity to speak out politically, it's to do so.

13:41

Okay, thank you and welcome.

13:45

I think that covers everyone. So thank you for that will now be turned into Agenda Item number two.

13:53

And in order to streamline the running of this meeting, Annex B of the rule six letter, I've already set out in detail how it is intended to carry out the examination. I assuming that everyone has read this and therefore do not propose to spend time reading it out in full now. But there are a couple of points that I'd like to emphasise. Firstly, as the ESA My role is to produce an independent and impartial report to the Secretary of State. The recommendation I make will be based solely on the evidence that I have been presented in the examination. And whatever recommendation I ultimately make it is the Secretary of State who will take the decision on the application.

14:37

As a result, I need to test and eventually prepare a dependent consent order to accompany my report and recommendation. We need to do this regardless of what my recommendation will be. The legislation sets out an absolute time limit on my examination of this application. And I'm required to complete that at the end of a six month period following the close of this preliminary meeting.

15:01

In this case, I hope that it will be able to complete the examination well within that time limit.

15:11

Secondly, I'd like to point out the examination is primarily a written process. The table at the timetable provides a number of opportunities to make written represent submissions and to respond to the submissions that are made by others. That said, there are also the opportunity to hold hearings where people can present their case orally. And I will say more about hearings a little later on in the meeting.

15:37

And thirdly, I'd like to highlight the usefulness of statements for common ground. The aim of these is to agree factual information and to identify where there is agreement, and particularly where there are points which remain in dispute that beyond common ground, I need to know and understand your positions and whether they are shared or otherwise. I did set out in Annex II of the rule six letter, the statements of common ground that I'd like to receive in their content earlier, meaningful progress that can be made on the statements allows the examination to as soon as possible focus on the matters that are in dispute between the parties.

16:22

Okay, again, is there any questions on Agenda Item number two before we go on to our next item this morning?

16:38

Okay, thank you. Okay, we'll move on to the initial assessment of principal issues, which is agenda item number three,

16:47

it would be useful to have Aleksey of the rule six letter in front of you, and hopefully, again, will be shared now on the screen, which it is thank you very much.

17:00

So this shows the list of five main issue headings. This provides a framework of issues for the examination going forwards, though it does not preclude me from amending the list by removing or adding issues at a later stage in the process. I won't go through the list in detail at this stage. It has been informed by the application submissions, particularly the environmental statement and also the relevant representations that were received.

17:29

Okay, does anyone have any comments on the initial assessment of principle issues as they are set out in the rule sets?

17:42

Yes,

17:44

Mr. Would you please

17:48

bring sir, for the purpose of the record, it's more cordial to counsel in answer to that question and direct answer that question sir, the answer is no. Obviously, the the the environmental statement and your current principal issues have been focused around what was previously scoped in into this particular DCR by the planning Inspectorate. So for the purposes of today's meeting, and I know that the you have the ability, should you wish you have actually altered that list as things are moving forward, but certainly for where we are today and where we are with a submission, assist county council, okay, to attend to those issues, thankfully. Okay. Thank you for that confirmation. I probably should have said earlier when it's on the screen, I'll probably come turn into my right. It's just that I have the meeting on on my screen to my right. So as I'm looking, I am looking directly at you as you're speaking but it made me not look like I'm looking at the camera.

18:42

Fantastic. Thank you. Anyone else? No one else has their hand up. So I will move on to the next agenda item.

18:54

Okay, we'll come to the draft timetable for the examination.

18:59

And that appears at Annex D to the rule six letter,

19:03

which I think is on the screen now. Fantastic. Thank you.

19:08

So in the interest of brevity, I won't read this out in full now, but I'll highlight some key points.

19:16

As soon as practicable after this meeting, I aim hopefully for around the 16th of April, I will issue the railway letter, which will finalise the timetable.

19:27

At the same time, I also intend to publish the first round of written questions.

19:34

If necessary, I may issue more than one round of written questions. And as you will see from the draft timetable, a further round of written questions is currently pencilled in for the 25th of June.

19:46

I have also the option of issuing a specific request for information from name parties which is known as a rule 17 letter. And you will see this appears in the timetable a number of times

20:01

deadline mine is currently timetable for the seventh of May, and is the date to receive the party's written representations. The local impact reports, responses to my first written questions and statements of common ground.

20:17

This is also the deadline to receive written notifications for those people or organisations who wish to speak at an open floor hearing and to suggest locations for the company sites inspection.

20:31

As you will see from the draft timetable, there are a further four proposed deadlines where information can be submitted for expediency, I won't go through those in detail now. But I ask everyone to review and note the deadlines carefully.

20:46

And the draft timetable does not include provision for the planning Inspectorate to prepare a report on the implications for European sites. This type of report is required to advise the secretary of state if it is considered that the proposed development would have likely significant effects on special protection areas, special areas of for conservation and the like. Based on the evidence I've seen so far, that seems unlikely in this case. However, I'd be interested to hear if anyone else has any other views.

21:25

No hands Okay, thank you.

21:34

Okay, in terms of sites, inspections, the company sites inspection has been timetable for week commencing the third of June.

21:41

Thank you to the applicant who was provided a draft itinerary, it procedure deadline A. The time table also includes provisions for others to comment further, the itinerary before it is finalised.

21:55

Does anyone have anything to say in relation to site inspections before we move on to hearings?

22:06

Okay, thank you. Okay. Well, the starting point in the rule six is ultimately that hearings are likely to be held virtually. Given the limited number of people likely to take part in the hearings, it seems a practical and efficient way of undertaking them. Could I just ask the applicant whether you're ultimately happy with such an approach?

22:31

Hello, colleagues, then some court on behalf of the applicant. I can confirm we're happy with the date set out in the programme, particularly in relation to the hearings but all other deadlines okay. And in terms of the hearings been virtual fully virtual is yapping content was with that approach. We are content. Thank you. Okay. Thank you very much.

22:58

Okay, the timetable includes provision for an issue specific and open floor hearing. We commenced in the third of June. Annex B of the rule six letter explains the purposes and procedures for the hearings.

23:11

In addition, the National Infrastructure website has further advice in particular, on participating in virtual events, and that's pins, advice notes, 8.5 and 8.6. The case team are also able to assist with any questions that you may have about technology required for such meetings.

23:34

An open floor hearing will only be held if requested by an interested party. And please note that the that such requests need to be made by deadline one.

23:45

At this stage, I don't anticipate the need for a second round of hearings. However this can be reviewed and the town's timetable amended should I consider this necessary.

24:05

And finally, I just want to take the opportunity to highlight the importance of ensuring that information is submitted in accordance with the set deadlines. While I do have the discretion to accept late submissions into the examination, this should only be in exceptional circumstances.

24:21

late submissions ultimately restrict the ability of others involved in the examination to respond to the information and can therefore jeopardise the examination timetable is also important to note that there may be the possibility that such submissions won't be accepted.

24:40

Okay, are there any comments from any parties in relation to the examination timetable?

24:53

Yes, Mr. Wood chair again. Thank you. Thank you, sir. And again, it's Mark gorgeous from Essex.

25:00

county council

25:03

looking at the proposed open, open flow hearing dates in particular, is it the inspectorates intention to provide, say, for example, a potential date in the early evening, I'm just conscious so that, you know, this is the this is the day job for the vast majority of people who are on this call today and used to work in during the day. But I'm wondering if,

25:29

if you if you might consider whether or not to open up a short hearing session, maybe outside of office hours to allow people who are otherwise working during the during the working day to also attend i? Because that has happened, obviously, another instance. So I

25:47

just just like to put that forward as as a potential going forward, perhaps. Okay, that's very much noted. Ultimately, we'll probably have to wait to see if anyone does request an open floor hearing.

26:01

And whether potentially they have any time constraints, but it's something that I'll certainly bear in mind when we get to Deadline one and get the responses. So thank you for that suggestion. Thank you.

26:19

Okay, anyone else in relation to

26:23

the examination? timetable?

26:30

No, okay, thank you very much, we shall move on to Agenda Item number five in that case.

26:39

So if we turn to Annex II of the rule six letter that sets out a number of procedural decisions that were made in that letter.

26:49

And those were in relation to the preparation of the statements of common ground, the draft itinerary for the current need sites inspection, and acceptance of additional submissions.

27:01

Now, Annex II provides further detail on these requests. So I don't propose to repeat them now. And there have not been any additional submissions since the rule letter was published.

27:16

Again, Does anyone wish to say anything on the contents of Annex E of the rule six letter?

27:31

Okay, thank you. I've got

27:35

the applicant would you like so Mr. Woods as you turn your camera on, so if you would like to jump in now.

27:42

Apologies turned over for me.

27:45

Not not giving way to that I wasn't aware that they put their hand up first to get in line with your Essex County Council. So I've just conscious that you might like to hear the the word know from Essex County Council because we have nothing to raise on that particular agenda item. Thank you. Thank you very much for confirming that. Thank you. Okay, over to the applicant, then please.

28:08

Thank you, hello, call events. On behalf of Endeavour, I can confirm that we have provided a draft of the statement of common ground tears, Essex and Braintree. It will be it's all parties intention that there will be one shared statement of common ground that was provided in February and we're liaising with the officers to ensure it's ready for deadline one. And we also wrote to the Environment Agency, they've not been an active participant as you're aware to date, but we have reached out to them on the 28th of March and will continue to liaise with them so that we can provide a written submission by deadline.

28:45

Okay, thank thank you for all your useful updates. That's appreciated.

28:50

Okay, anyone else?

28:54

I think that's all the hands that were up. Okay. We'll move on to Agenda Item number six, which is any other matters or business that we've not discussed so far? So now's your opportunity to say anything that you wish to before we close the meeting this morning.

29:18

Okay, there's no hands up. So obviously, everyone has contents. Okay, so in terms of coming on to closing the meeting, thank you all for your contributions to the meeting and examination so far. I look forward to commencing the actual examination phase once we closed the meeting this morning. And just a reminder that both the notes and the digital recording of the proceedings today will be made available as soon as practicable on the project page of the national infrastructure website.

29:50

So the time is now 1029 and the preliminary meeting is now closed. Thank you once again for your contributions