

AUDIO_BRAMFORD_PRELIM_SESSION2_12 092023

Tue, Sep 12, 2023 3:22PM • 1:06:53

00:05

And Julie de Courcey. And I'm going to deal with agenda item six, which is procedural decisions.

00:14

Annex F of our rule six letter set out a number of procedural decisions that we've made. The majority of these apply only to the applicant. So I don't intend to go through those, you can read them at annex F. And you'll see some further information in relation to procedural decisions one, and 11 in its procedural deadline, a response.

00:39

However, I would draw your attention to our rule nine request for further information that we issued to the applicant on the 23rd of July last, that is reference PD dash 001. And that was followed by the applicants response that is a S dash 005. These relate to outstanding information and the environmental statement.

01:12

In addition, procedural decision two relates to the presumed provision of local impact reports by the relevant local authorities. And I trust that the relevant processes are underway.

01:27

Procedural decision three relates to accompanied site inspections. We've already made reference to these, but do read the annex if you want more detail.

01:39

Procedural decisions four and five were to invite comments from you all on the relevant representations and additional submissions that have been submitted.

01:52

These are all now available on the webpage. And any response you wish to make should be received by deadline one, which is the 25th of September 2023. On the draft timetable.

02:10

And finally, procedural decision, Tam was to ask statutory parties to decide if they want to be considered an interested party by deadline one.

02:25

Are there any remaining questions or submissions regarding procedural matters? That we have not covered?

02:35

Sir, anyone in the room, I don't see any hands raised virtually.

02:46

So in that case, thank you. Um, I'll hand back to Mr. Moran to take us to the end of the agenda.

02:55

Thank you very much. So we're moving on to agenda item seven, which is any other matters,

03:01

we have got five more matters to deal with, then I'll get anybody with a final point on the examination process and opportunity to deal to raise it.

03:13

So firstly, our first point, section two of the applicants procedure, procedure or deadline, a letter also included requests for 10 days working notice of agendas for hearings going forward, which we've noted. And we've, I think we've touched on that already. We'd obviously do our best to issue agendas in a timely fashion. At moment, our opening or opening position that's set out in the rule six letter, in that we will generally aim to publish a detailed draft agenda for hearings for at least five working days in advance of the date of the hearing, because we do recognize the need for various parties to assemble the most appropriate teams for the matters to be discussed.

03:56

We'll

03:58

see if we can go beyond that five days. And if we are we will certainly do so. Cost is also subject to the fact the actual agenda on the day of the hearing may be subject to change our discretion.

04:10

That's that's our current position. But we have heard the representations have been made and read them. Is there anything you wish to elaborate on Amazon, please? No moving on. Okay.

04:23

Any other interested parties have anything to say on that? I think we've had, we'd need to say move on from that then thank you.

04:31

My second, any other business item is to draw your attention everybody's attention to annex g of our all six letter. This sets out in more detail how everyone can access all of the documents that have been submitted into the examination, as well as soon as it's issued by the examining authority.

04:49

For anybody who's unable to access these electronic documents from home, it also includes locations from where you can access them free of charge.

04:59

That annex

05:00

mentions the importance of the examination library, which are referred to at the start of today's meeting. This is of course available on the project webpage as well, and it will be updated each time new documents are submitted as you've heard.

05:16

And important an important point in relation to that is to note that each document in the library is allocated a unique reference and that reference will be fixed for the duration of the examination. And you've probably heard my colleagues refer to some of these already. And it's very helpful to us and it ensures consistent consistency and precision if everybody can quote those unique reference numbers from the examination library, when referring to any examination documents in any future submissions that you make.

05:49

My third point relates to those of you who wish to make a submission into the examination but may be unfamiliar with the procedure. And for guidance on this side do recommend you look at annex H of our rule six letter this provides details of the how to make a submission into the examination via the project webpage using the maker Submission tab. Please can you follow this process whenever you make a submission and if you do have any difficulties in doing so, please do contact the case team using the details at the top of the rule six letter that was sent to you. So if you have difficulty with electronic communication, there is a telephone number there as well.

06:32

Fourth matter is I understand the applicant has asked the case team if we could elaborate on two matters on the agenda for issue specific hearing one on Thursday

06:43

if the applicant would like to raise those two questions now we'll try to help everybody to prepare for those two topics.

06:52

I think it related to item six and Item four

06:58

sorry so I just don't have the right documents in front of

07:07

you

07:12

can you have you got the agenda?

07:17

I think we're looking at Agenda Items six in relation to the use of ambiguous language in the management plans. And I think we're looking at item four for an explanation about whether we're talking about temporary works and construction methods for temporary works or permanent works as well.

07:35

Yes in

07:41

in relation to six

07:45

this

07:47

is the US me

07:50

so I am familiar with these indeed. I suggested that we sought some clarification but I just don't seem to have the right things in front of me but just just from recollection at one point in the agenda you you had referred to

08:09

ambiguous language

08:12

Thank you ambiguous

08:16

language in a certain certify documents or I've got it now a double p 1771 81 81182.

08:29

And the

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clarification that we were seeking in order to

08:38

better to help us respond to you was to ask if you could identify what ambiguous language you

08:48

you had in mind.

08:51

So that's that's that one.

09:39

Yes and in or it starts by saying the applicant will be asked to give an overview of the temporary measures that are sought for the construction of the works and the construction techniques that would be employed. And

09:58

I think we just wanted one

10:00

understand again so that we can explain this most clearly to you.

10:06

Is this temporary measures in relation to temporary works or temporary measures on relating to the construction of permanent works? It's

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It's again, you know, we've obviously got the right people together for Thursday to take you through these things. These are

10:32

obviously people who you know, are in the project team and work on these things, not not experienced witnesses, and we want to sort of try and help them to know what it is you want, so that so that they can help in the most appropriate way. Okay. That's fine. Thank you. Can I ask Mr. McAvoy to deal with your question? Item six.

10:52

Yes, thank you. Mr. McRoy. That that will be excellent. Thank you,

10:58

man. Thank you, Mr. Humphries. If it helps, we're going to discuss on Thursday agenda item 6.2. The use of modifier terms and phrases in the description of mitigation measures, if you're willing to take note or list those for you. So the terms are, if appropriate, where appropriate, as may be appropriate.

11:21

Where applicable,

11:23

where practicable.

11:26

Could be

11:28

may require.

11:30

Assume, anticipate.

11:33

And just to add a little more context, we'll be seeking views on whether there are any implications for how far the mitigation measures can be relied upon? Should those modifier terms remain in the final version of the management plans? I hope that helps.

11:51

So that is

11:54

genuinely very, very helpful. Because I can

11:59

see that without that, you know, there would have been a lot of people not quite knowing what do you want it so we can have a look at that. Thank you. So generally,

12:07

this time bond back to you.

12:11

Thank you, Mr. Rollins can deal with item four, if you would.

12:17

So it's for the latter part of your query, the temporary works on general construction methods for all works, including the permanent works. But please bear in mind that it is an overview that we're looking for. So if you can keep it concise, and we can go into greater detail

12:41

during the phasing of the works, for the examples that we've listed in appendix B, the purpose of this issue specific hearing.

12:51

Thank you. So that that that again, is genuinely

12:56

very helpful. Clearly, Thursday is

13:01

is going to be a very full

13:04

day. It's a very full and, and helpful, please. So agenda. And so these these clarifications will just allow us to be a little bit more kind of precise and prepared in trying to help you and I think for some of the agenda items, we anticipate using some of the images on screens to try and show you or explain to you some of the some of the things that you're asking about. And I hope that will be helpful. Thank you, sir.

13:39

Thank you hope those were helpful to you and to anybody else that wishes to prepare for those items.

13:45

We've come to the final matter that the examining authority wishes to raise and that's to do with the examining authorities rule nine letter to the applicant, and the response that we received.

13:59

These are documents PDF 001 And as 005, respectively in examination Library. In summary, we asked the applicant to review the environmental statement and the wider supporting environmental information and draw together a topic by topic shedule of any field survey information is still to be provided in relation to the temporary construction road, that it proposes to take off the a 131 year little Maples dead, together with a timetable for the provision of any outstanding information. And the applicant did provide a response to us in the additional submission of the second of August 2023.

14:42

The examining authority considers this matter to be pertinent to this preliminary meeting today. Given that it would be expecting a substantially complete environmental statement to be before the examination as it begins, and a fully complete environmental statement to be in front of us by the early stages.

15:00

The examination.

15:02

As such, I have some questions now for the applicant to complete our query. And it is open to other parties to raise representations once we've completed that discussion. But only insofar as the submission relates to the examination process and future procedure, not the merits, the proposed development or its effects.

15:22

And Mr. Humphries,

15:24

I don't know if you have familiar with that response.

15:28

But before we go into the three topics that the applicant included in its reply to us, I was hopeful as somebody with you to take tell us whether the important hedgerows assessment. Yes, Appendix 7.5, which is EPP 115 in the examination library was included in that review that was undertaken prior to responding to our question.

15:55

Michael Humphries for National Grid, I'm familiar with, obviously, our your letter and our response, I would just need to check about whether that particular survey has been undertaken, if you excuse me just remembered as fine.

16:24

So we don't have the relevant person for that here.

16:30

Apologies because it was a procedural meeting. We didn't bring all the environmental

16:35

team here.

16:38

We can try and check that very quickly. For you. I'd be happy to receive the answer to that particular question and meet a note after the meeting. If that's easier. Thank you. That would certainly be easier, sir. It has implications for what comes after in terms of whether or not it certainly didn't appear to us that that had been included in that assessment. And we do believe that to be broader environmental information should have been checked. So we would like a response to that. We may struggle with what's to come with some of which is potentially more important, but let's go through it and see where we get to.

17:22

environmental statement appendix 7.5, paragraph 231. Notice the baseline surveys are incomplete. I can quote that, too. If it's helpful. It says a survey has not currently been undertaken, the temporary temporary access route of the A 131. National Grid is proposing to survey this route in spring 2023, subject to landowner agreement.

17:50

So we're really looking to find out when that document will be updated. And will whether there will be verification field surveys and when

18:01

this is still the hedgerows.

18:09

I think

18:13

so Michael Humphries for National Grid, as our response makes clear, we consider that the environmental statement on this

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is complete, we have sufficient information for it to be a proper environmental statement. But as with many projects, some surveys will

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continue and

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clearly that is not an unusual

18:42

set of circumstances.

18:46

It may be

18:55

my understanding is that the person who is responsible for coordinating all the surveys and things will be here on Thursday.

19:06

And therefore it may be

19:08

that we can if you raise your points with me now we can get that person to deal with some of the answers.

19:19

On Thursday, I

19:22

I've read the applicants conclusion the environmental statement is complete. We wish to test that this morning because we feel the potential implications for whether or not we close this preliminary meeting. Because in the absence of complete environmental statement for reasons we can come to We feel

there could be some problems that stand pretty soon. So I completely understand that obviously because

19:49

the this wasn't

19:53

on the on the agenda for today. I just simply don't have the relevant person

20:00

here to be able to answer those questions.

20:05

I could,

20:07

you know, I can see if we can get someone on the

20:13

phone and speak to them or get them to

20:16

join if necessary, but again, they may be simply somewhere else doing something else today.

20:24

Okay, looks obviously we did put this onto the agenda for this particular reason. If it wasn't clear, our apologies, I'm going to run through this anyway, we'll see where we get to.

20:35

And we'll discuss the implications towards the end of where we do get to.

20:40

So I've indicated we'll be happy with a post meeting note about es appendix 7.5.

20:48

If you could add to that particular node,

20:51

if you could also in relation to that, have a look at the table 7.9 OF ENVIRONMENTAL stamp chapter environmental statement chapter seven on biodiversity nuts, a PP o seven, five.

21:06

Could it be clarified whether the

21:11

the absence of a verification survey has been reflected in that table, that table shows the impacts on hedgerows within the order limits, we would like to understand whether that includes the temporary access road or whether that needs to be updated once those verification surveys have been undertaken.

22:01

And then I'll move on, if I made to the three topics that were highlighted in the applicants response,

22:09

where they have indicated the verification field survey has yet to be undertaken. And the results are yet to be submitted to us. Those three topic areas in your letter are agricultural, and soils arboricultural impact assessment, and biodiversity. And I'd like to run through those individually.

22:30

So I'm going to start with agriculture and soils.

22:35

And if anybody you've got here today, Mr. Humphries is able to clarify and confirm the assumptions that were made in relation to best and most versatile grading, both across the audit limits and along the access road.

22:52

So where there's no distinction made between three A and three B, has all grade three land being accepted as best and most versatile?

23:06

And

23:08

yes, I think the

23:11

the simple answer is no, the the people responsible for the environmental statement on the surveys are simply not here. This is the sort of

23:22

the lawyers and the overall project team today.

23:29

If you gave us the points,

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and we've been trying to note them down as best we can, we could try and phone the relevant people. I just don't know whether they're free, but we can try and find them and get answers for you. Clearly, you would like answers today. And I completely understand that. And you know, I'm really sorry that we

23:57

we didn't appreciate the A OB Mata, rule nine letter and response meant that you wanted to raise detail points that are for our fold, but we didn't. Well, absolutely, I understand it's very high heading. It's unfortunate, in a way from our perspective that we got an incomplete answer to our rule, no matter, which is what's necessitating this at the moment. Yes, I think so rule moving in the same direction of wanting to

24:24

help you the difficulty I have is I simply don't understand you don't have the right people here. Understand.

24:32

As I say to you, I've got three topics, which are the ones you've responded on.

24:36

I will go through those. And I think you and I and many others will appreciate that they have different levels of implication for the completion of the environmental statement. So what I'm asking for here is clarity on how best and most versatile land was graded across the order limits in the original environmental surveys. But then what's how

25:00

up into that in relation to the access road. So that was the extension that you made the order limits prior to application

25:08

indication to us as it may not have been to the same level of survey, as we received for the for the rest of the order limits, so we need some clarity on that.

25:37

Second one, if I may move on to that I'm trying to wait to give you time to make your notes

25:45

is not is normally the barristers that have to look at your pins, it's unusual for it to be the other way around. I quite like this.

25:54

Okay, the second one is the arboricultural impact assessment.

25:58

I'm going to ask you this question. You may not have the people again. But your response, your response letter seems to indicate that the applicant does not consider this to comprise environmental information for the purposes of the EI regulations. So we'd like to understand if that's correct, in a procedural way. And it may be that's something we come back to, once the examination starts if the answer is no.

26:29

So that you can read that from your own response that says your response.

26:36

Nevertheless, the response also indicates there's an arboricultural survey is programmed for the temporary access route,

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which again indicates to us that the full arboricultural impact assessment may require updating.

26:51

We would like to know when that's coming into the examination, or time, and by what method, and some sorts of clarity on whether that would mean that all parts of the audit minutes, including those for the temporary access road, or to proceed same type and level of intensity of tree survey as the remaining parts.

27:13

Gain the indication to us at the moment is the level of agricultural impact assessment is not the same.

27:22

And it may be there's good reasons for that, but we'd like clarity on it please.

27:39

The third topic included in your response was biodiversity, which was in two parts.

27:46

The first part you address the habitat baseline. And secondly, you address the protected species baseline in response to our request

27:56

for habitat so I can read your is your response if that's helpful. It says the baseline habitat information presented within the IES is based on the desk study information.

28:08

And it goes on to explain to us what that entailed. It notes that additional survey data is being collected to verify the baseline data presented in the yes, this is not expected to change the baseline information that likely significant effects or other conclusions presented in the Yes.

28:28

So again, we believe this relates to the temporary access road, so that the temporary access road habitat surveys is only based on desk studies at the moment without verification. I'm noticing the phrase that was used, they're not expected to change.

28:45

I'm not sure how much I can rely on not expected change. So it's the same request. What's the timetable for the completion of those habitat surveys to verify the desk studies? And what's the timetable for that to be submitted into the examination?

29:04

At the end of that whole process, does it mean that all parts of the order limits

29:09

including those for the temporary access road would have received the same level and intensity of habitat survey?

29:25

And we'd be glad to hear last but by no means least. Well yeah, we have concerns I'd like to hear more about the protected species information, which is in the environmental statement and which may be missing from it.

29:57

And in relation to protected species, can I

30:00

I'll draw your attention to your table 3.1 in your response letter,

30:07

it does not identify any baseline data that was used for the assessment, potential impacts on protected species. Nor does it identify any further information that's to be provided. So far as I can see, table 3.1 of your response does not cover protected species.

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If you do have that responsiveness to unfreeze is something you can check with that table. 3.1.

30:35

So, yes, I've got table 3.1

30:39

in front of me,

30:43

and

30:45

you're looking at

30:48

is it the item biodiversity? Is the biodiversity in table 3.1? Yeah, let me just look at this.

31:19

So I've read that

31:24

it does go on later in paragraphs three to three and that's their habitat survey would be supported by protected species surveys for badgers and bats. To inform the detailed information presented in the final European protected species licenses submitted to Natural England, pre construction, should development consent be granted. So there clearly is an intention to go on and do further protected species surveys. But it doesn't appear in that summary table.

31:58

So going through the protected species, which are potentially identified

32:03

within the order limits, or where the proposed development may have an impact on a protected species.

32:10

Going through those response refers to badgers and bats. So let's cover those first. So our questions in relation to patches are not withstanding the European protected species license would not be required badges because clearly, it's not a European protected species. So European protected species license would not be required. Nevertheless, any impacts or mitigation work would require a local license.

32:36

We still do not understand the timetable for completion of badger surveys, and the submission of that information into the examination.

32:47

Table 4.1 shows indicative surveys.

32:51

That doesn't give me great comfort about when we might actually see the results of those surveys.

33:00

And again, it won't surprise you to know that our

33:04

concern is to understand that the parts of the order limits included for the temporary access road have been covered the same type of level of intensity of survey as the remaining parts have been.

33:19

So that's patches

33:22

which is included in your response.

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The next one is bats.

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Table 4.1 suggests that a ground based bat roost survey will be undertaken.

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But I see no indication of any intention to undertake the same sorts of commuting feeding and emergence surveys that have been carried out for the majority of the proposed development side.

33:56

So I need to understand whether there's an intention, but those that range of surveys which had been carried out for other parts of the development site are intended to be carried out for the access road.

34:14

And chapter seven of the environmental statement, which is biodiversity, a PP o seven, five

34:23

as paragraph seven 546 also suggests that the survey of batteries in buildings is incomplete. So I'd like to understand if that still remains the case.

34:38

That's to do with Hill view, which is a residential property and its associated outbuildings which is located within the law within the order limits

34:49

to the east of high road in Islington.

34:58

Okay,

35:01

Do you need a few more moments to continue to write? Or shall I carry on?

35:06

So it may be that you're

35:11

reading from a document

35:14

or you know, your own node. And

35:19

if that was the case, we were obviously trying to

35:23

write this down. But if there was a document that could then be shared, that might make it

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easier for us to make sure that we've got this absolutely right that I mean, the I understand, of course, it may not be in a form that you feel can be shared at the moment, but it may be that

35:42

relevant part could be cut and pasted.

35:46

I think by the time we got around to being able to do that with stone priests, the recordings probably going to be put up on site and the website in any case, yeah, whether the case team have a view on how long it will be before the recording of this meeting gets put up on the website.

36:03

Somebody could let me know that. But one way or another, I can see that would be helpful. Thank you. So

36:09

I need to move on. Because there are other protected species, which I can find no reference to outstanding work in your dourness. So the ones we've covered so far have had some reference, but not with great clarity for us. So I can find no reference to any outstanding work for dormouse in your response.

36:26

And may have missed it, in which case, please do direct me to it, but I can't find it.

36:33

I see what has been carried out for dorm eyes across the majority of the site. And the results of that I believe are set out in figures 781 and 782 of the IES environmental statement,

36:48

which show how the baseline habitat surveys were interpreted to find likely habitats for door mice, which is where daumas surveys were located.

37:00

It shows for instance, in Figure seven eight to where the dormouse nesting tube surveys were carried out.

37:07

And we can see over the three sheets of those figures that these surveys were targeted in certain areas where the surveyors believed that habitats are potentially suitable for dormice.

37:19

The question here then, is their intention to undertake the same level of surveys verification surveys on the habitats within the area of land within the order limits, which is intended for the temporary access road?

37:34

And if so, when will those results be submitted into the examination?

37:40

And the same question, would that mean that the same that parts of the order limits included for the temporary access road would have received the same type of level of intensity of storms survey as the remaining parts?

37:56

Yes, again, obviously, I I don't know. I think the

38:04

I think the sort of just an initial response, you said in a number of places about whether or not a survey survey for the temporary access road is of the same level as intensity of as the rest, I think, I think

38:20

probably the test is whether that survey is in is adequate. And clearly, one can do more in other areas. It's whether the survey in the temporary access road areas is adequate in order to properly identify any environmental impact.

38:40

But we will try and make sure that the person who's going to look at this answers your question, but also answers the way in which I have posed it. I've understood Mr. Humphries. Thank you. Chances are that we'll need both of those pieces of information for reporting. Thank you.

39:00

We're almost at the end. But there's still the question of two further protected species, which have been found and surveyed within the wider proposed development area within the order limits. And as much as I dislike lumping two quite different protected species together, they have been in

39:20

the environmental statement, that's waterfall and otter.

39:24

So again, we need to understand whether there's an intention to undertake verification surveys waterfall and otter within the part of the order limits intended for the temporary access road. They don't appear to have been taken into consideration from what we've seen so far.

39:47

So we have the full details of the of the methodologies that we use for surveys or the wider area. We have no indication and nothing in your response as to what the situation in relation to waterfall is not as is

40:00

Are those parts of the order limits for the temporary access road?

40:11

And the question that comes to mind, as Mr. Humphries can help me with this is, given what we've discussed about bats, including the building that's not been surveyed, almost otters, waterfalls, what is the applicants position on the outstanding information in relation to environmental impact assessment case law regarding the adequacy of information provided, and I'm thinking in particular about Cornwall county council ex parte holiday from 2001. Recognizing Of course, that derives from a different set of EIA regulations.

40:56

Sir, view is that the information is

41:03

adequate ex parte

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Hardy,

41:08

obviously, is an important case on this and I would need to relook at

41:16

it if you wanted me to make detailed submissions on that not just ex parte Hardy, but some of the other cases that followed on from

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that as far as Hillview is

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concerned, this is the

41:34

property that at the moment,

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there are in effect to

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two ways that we may deal with this, the the order limits

41:51

are extended at this point so that we can actually go round Hill view, we've also been negotiating as you know, with

42:03

the owners of Hill view, with a view to purchasing that property, obviously,

42:14

there would then have to be a decision on what if anything happened to that property.

42:21

And any appropriate licenses would no doubt have to be obtained at that particular at that particular time.

42:31

Beyond that, there's nothing that you know, I specifically want to say at this, this point about that property.

42:48

Okay, thank you. So, can I just ask,

42:52

in terms of your notes that you provide to us, we can come back to how this is going to happen shortly. There's just one final question really in relation to the to biodiversity topics. We'd like to understand because natural England's not with us today, we would like to understand whether the proposal for the access road off the 8131 was known to Natural England, when the draft statement of common ground which was submitted with the application was agreed.

43:21

If the applicant could help us with that in the absence of Natural England, that would be helpful.

43:43

Yes, there was obviously a targeted consultation on the temporary access road, and they would have been consulted as part of that. So they would certainly have been aware of the temporary access road as well as everybody else.

44:04

Beyond that, obviously, I can't I can't comment on their state of mind and what they

44:10

have what they took into account, but they would have certainly been aware of it. And kid it's something we can follow up once the examination started by a direct question to Natural England.

44:24

To wrap this one up, your response to our request at paragraph 343 notes that the applicant will be pleased to agree with the examining authority, the most appropriate format and timetable for the publication of the additional survey information during the examination if considered necessary.

44:45

I hope we've made it clear this morning. The examining authority considers this to be a very important matter. For the examination process. Can we come to some sort of agreement how we're going to do that and over what timescale? Now, please

45:02

Again, let me just

45:06

let me just sort of check with others on that, I'll just be over if you ask me.

46:10

As you can imagine, obviously, lots of messages are being asked backwards and forwards to people that are listening in, I think

46:20

the notes that you've asked for can certainly be done this week, if that's if that would be acceptable to you my understanding, again, just from

46:33

messages that are being passed back and forwards. Next to me is that some of these surveys have been completed. I can't tell you which ones.

46:43

Maybe others know, but I don't know.

46:46

So I think that would be the most appropriate way forward. If we

46:55

come back to you with a note that answers all of the questions that you've raised today. And we can do that later this week.

47:09

Thank you for some sadly very helpful.

47:16

You'll understand I think the implications are different for each of the topics we've discussed in terms of what we might consider to be the completeness, the completeness of the environmental statement.

47:27

And it may be the hedgerow surveys coming in. The results of hedgerows surveys can be a month into the examination might be acceptable to all parties who would wish to comment on this. But we have to consider whether the same situation pertains to protected species.

47:45

So that would be a start.

47:48

Does anybody else on the table wish to make any sort of comment on this once we, before we draw to a conclusion? Mr. Bedford,

47:57

so Michael Bedford, Suffolk County Council. So if I start by saying, as I understand matters, first of all, the temporary access route that is the subject of your various questions, lies outside of Suffolk, it's in the ethics part of the site. So that's my understanding, and it's therefore not a location that we are particularly familiar with, for that reason.

48:31

But we are concerned if the implications of the issues that you have been raising with the applicant, were to lead you to a conclusion that you are unable to close the preliminary meeting and start the examination, as currently indicated in the draft timetable, whereby obviously, the examination would start tomorrow, as it would now be with open floor hearing. And then issues specific hearing one on Thursday, followed by the various dates in your draft timetable, which was obviously already familiar with. And if the reason for your concern, was obviously a concern about the completeness of the environmental statement, which we understand.

49:31

I think we would

49:34

certainly take the view that we don't see there being a legal impediment to an examination, commencing even if there are outstanding concerns about the adequacy of the environmental statement. Obviously, there is a raft of case law on

49:57

the environmental impact

50:00

assessment regulations.

50:03

Most of it's actually under the Town and Country Planning Act regime rather than the

50:08

DCO ENSET regime. But I think it is recognized in that case law, that there's a distinction to be drawn between an environmental statement, as it were, that is so deficient, that it's not sensibly capable of being regarded as an environmental statement. And an environmental statement, which may not be complete, and that's to say, needs to be supplemented by additional information, some of which may come from persons consulted on the environmental information, some of which may come from further work. But it seems to us that at least in principle, there is before the examining authority,

50:57

sufficient document that can be properly regarded as an environmental statement, even if it may have some shortcomings in it. And given I say that these things relate to an area of ethics, I'm not taking a position on any of those detail points. But if it's right, that the document that you have, or the documentation that you have is capable of meeting that legal threshold of being an environmental statement,

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from the Suffolk County Council's perspective, we would strongly urge you to find a way in which the examination can start

51:34

in accordance with the draft timetable for which the county council is prepared, and which I'm sure other parties have prepared, rather than to see a delay to the start of the examination for these matters, to then be further addressed. So that's really the only position we can help you on so far as the county council is concerned.

52:03

It's very useful. Thank you.

52:05

Does anybody else wish to raise anything?

52:09

Yes, Matthew wild Braintree District Council.

52:13

Just in terms of the look, just thinking about local impact reports.

52:18

As Mark Adams, the word you said that we are preparing a joint statement between Braintree and Essex. One of the things obviously, in that is the biodiversity section, which we were commenting on.

52:32

We want to make sure that I suppose if additional surveys are coming in about protected species that we have obviously enough time to give that to our ecologist and comment on that. So whether that can be over that last before the submission of the lightning report, wherever that needs to follow separately.

52:51

That to your discretion, but just something to consider. Thank you.

52:57

Thank you

53:04

so clearly, sorry, Michael Humphries National Grid clearly

53:10

have now open the infrastructure planning EIA regs, 2017 and environmental information, because it makes clear can comprises the environmental statement including any further information and other information, representations made by body required by these regulations to be invited to make representations etc. In other words,

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clearly the environmental information, which is what has to be taken into account, doesn't all have to be contained in the environmental

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statement.

53:49

And,

53:52

you know, our view that we've set out is very clearly that the environmental

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statement and the environmental information is adequate. However,

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that does not preclude us from producing further

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other information as may be necessary to deal with specific points. Clearly, we need to respond to the detail of your points and I've indicated that we are we are going to do that. But

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if the implication of one of the comments you made earlier was that you were contemplating

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not closing the preliminary meeting, then we

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would strongly urge that that is

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would not be an appropriate course of action and that you are still able to request other information indeed we are able to volunteer other information so that the overall

55:00

All environmental information at the end of the process is sufficient for you to determine the application.

55:11

Yeah, thank you that we, we have all of those points.

55:17

We also, of course, recognize that case law doesn't all translate well into the situation we find ourselves. And we need to consider at what stage

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it becomes important to us. So is it the start of the examination? Is it a recommendation? Or is it a decision that some of this information is actually legally necessary, and we recognize all of that as well. But at the same time,

55:41

the nature of the examination is such as we've heard that other parties will need time to see that protected species information. And we certainly will want to see anybody disadvantaged by any sort of late submission. And my guess, potentially facing a nightmare scenario, as you've just suggested, or both both representatives suggested, but the other one is, of course, that we start the examination, we

still don't get that information in sufficient time. And then we have to issue a request for the information officially, which potentially could hold the examination, but not six months.

56:19

Yes, I mean, I think that is a

56:24

that is a situation that no one would want. And that was why I was quite careful to distinguish between the environmental information, further information and other information.

56:38

Your request, if one was ever made, would relate to what's technically further information. What I was talking about was other information. In other words, we have the ability to

56:51

supply information

56:55

out with a formal or formal request

56:59

from you.

57:04

Okay, in terms of process,

57:07

we had discussed the note coming to us this week, which we very welcome. In terms of what we've set out today. And we discuss potentially sending or putting a document out of all of those topics I've just run through, I think that will take longer than actually waiting for the recording, I'm told the recording will definitely be up. And that word is used definitely be up within 24 hours. So bad time, I managed to get a document, but through the case team and case admin, to you, it will take just as long so rather than trying issue something separately, if you could rely on the recording, to go back on Yes, we will know. And we obviously, we have all been taking

57:49

notes. And that that will

57:53

that will help as well. So hopefully, that will allow us to at least make a start on these things, even though the recording will be helpful. And we'll try and get it

58:07

to transcribe part of the notes so that we get things down correctly.

58:13

We have very close hopefully to the end of of this preliminary meeting, but the examining authority would like to take a very short recess for a discussion. So if anybody needs a very short comfort break or a break, please do so. But we intend to be back with you in about two or three minutes. We are very close to the end. So if you just give us two or three moments to have a quick discussion, we'll come back to you.

58:47

Thank you for your patience.

58:50

We have considered everything we've we've heard today and the written representations as well.

58:55

And we recognize that there is a gray area between

59:00

an environmental statement that may not be considered insufficient, and an environmental statement that will be updated during the course of the examination.

59:11

We also recognize that we are in a slightly different area in terms of where that case law may apply. And it may apply only at the point of decision as opposed to the start of the examination. And certainly I'm not qualified to make that

59:26

distinction.

59:28

But on the flip side of the coin, I hope we've made it clear that we see the proposed temporary haul route, which is part of this proposed development as a very significant feature. It has potentially a lot of environmental implications. It's 4.5 kilometers long, I believe. And it's going to be quite an impact environmentally. And we're not

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at the moment

59:52

don't have a great deal of comfort that the work that's been done is to the same level and standard or necessarily

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The we have the right level of information for that.

1:00:06

But it may be that that can come back to us during the early part of the examination to allow us to proceed today to close this preliminary meeting.

1:00:17

If we can request the post meeting notes, and if you can ensure that all of the items we've discussed today are included in that, but also very firm timetable, which you'll commit to,

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for all of that outstanding information, which appears to be missing to come to us. I'm hoping that it's going to come to us during the very early stages of the examination, which will allow us to proceed and will allow the parties sufficient time to digested and to comment on it. And of course, ourselves.

1:00:54

Does anybody want to make any concluding remarks in relation to this matter?

1:01:01

Sir Michael Humphries for National Grid.

1:01:05

I'm very grateful for that. And it's actually

1:01:10

helpful and important that this is raised.

1:01:15

You know, at an early stage where where we can clearly deal with it. I agree. I'm sorry that we

1:01:21

ultimately I suppose my responsibility just didn't see from that agenda. Item note that that you wanted to go into particular points in detail.

1:01:33

The people listening online, obviously have been taking these things down. And we will produce that note later this week and give you the timetable that you want. And as I say, apologize that I wasn't able to respond with the answers today, but

1:01:56

they will

1:01:57

appreciate it. Miss Dumfries, I'm sure we can come to a satisfactory conclusion to the matter. Was there anything else from anybody else on this one?

1:02:07

Which case

1:02:09

hive, the examining authority has no further matters to raise. But it is an opportunity for anybody any interested party anybody around the table to raise any personal matters and or any other business. Mr. Bedford. So can I just raises a very minor matter, and it may be not a matter that you're able to resolve it relates to annex G, which obviously was on your ARB, items. And it's, it's a document control question.

1:02:44

And you annex G rightly stresses, obviously, the importance of not only there being a unique reference number for the documents, but you in your comments reiterated the importance of parties using those document references. When

1:03:05

referring to documents. The point and it's perhaps a point that may need discussion with the case team is simply this that the examination library, obviously contains, in as it were, its opening shedule

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each of the document references, but the documents themselves don't contain that information on the document. So if you open the document, it doesn't tell you what, it's an examination library references. And likewise, if you use the search facility, on the

1:03:48

project page of the website, which will allow you for example, if you wanted to identify which documents deal with construction, for example, you can put in the word construction, and it will bring those up. Again, when you look at those documents, you can open all of the documents, but you again don't know what their examination library references,

1:04:09

my sort of queries Is there any way as it were, through the work that the case team does, whereby it is possible

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all the documents once they have appeared

1:04:25

in the library for the actual document itself, perhaps as a banner or some form of device to actually have the examination Library Reference number on it. I appreciate that that doesn't exist at the time that the document is first uploaded, because usually it's uploaded at a deadline. And at that stage, the library hasn't yet been updated to give things I get that point. But I'm just wondering whether after that

point, there is any way in which the library references can be added to the documents because it just means that for the purposes of

1:05:00

as managing the documents and making sure that we can give you the references, it's a lot easier than a very, very slow process of having to go back to the shedule in the first place to find out what the documents are. So that's a point I leave with you, I don't expect you to be able to respond to it now, but it's perhaps the case team can think about.

1:05:21

I can assure you, we occasionally share your frustrations. But for this end of the table, and the case teams heard what's been said.

1:05:30

I will talk to them. It's a fairly fundamental thing, which impacts on the whole of the CIT program rather than this examination, and we'll see how far it pushes the planning and spectrum capabilities. But we have we've heard what you said, and we do understand it. Take it on board.

1:05:48

Were there anything anything else anybody wish to raise before we close?

1:05:53

Right, thank you. Nobody see seen. So that completes our business for today, then we trust that the agenda has been fully covered.

1:06:03

We believe we've provided an opportunity for all those who have notified us of their desire to speak to do so. I'd like to thank everybody for their participation today.

1:06:13

As you've heard a note of the meeting, and the recording of the live stream will be added to the project webpage of the planning Inspectorate national infrastructure website as soon as possible. Following this meeting.

1:06:26

The examination will now commence and it must be complete within a maximum of six months starting with tomorrow's date. And we look forward to working with all of you during this period.

1:06:36

We're aiming to publish our rule eight letter to confirm the examination timetable and the arrangements for the examination in the next week or so. The preliminary meeting is now closed