

Preliminary Meeting Note

Summary of key points discussed, and advice given

Application: A63 Castle Street

Reference: TR010016

Date: 26 March 2019

Venue: DoubleTree by Hilton Hull, 24 Ferensway, Kingston upon Hull, HU2 8NH

This meeting note is not a full transcript of the Preliminary Meeting. It is a summary of the key points discussed and responses given. An audio recording of the event is available on the National Infrastructure Planning website.

The meeting opened at 10:00am

Item 1: Welcome and introductions

Peter Willows (PW) introduced himself as the single appointed person by the Secretary of State comprising the Examining Authority (ExA) for the above application. He introduced the Inspectorate's case team and explained they would be the first point of contact for any procedural questions within the course of the Examination Period.

PW made some administrative announcements concerning evacuation procedures for the venue and asked for all phones to be switched off or turned to silent. **PW** asked the attendees if they had any intention to film or record the meeting, to which there was no response.

PW emphasised that the meeting would be recorded for the record for people not present to follow event. The recording would be published on the National Infrastructure Planning Website for a period of 5 years post decision and reminded participants not to provide any information that they would prefer not to become public in oral submissions as they would be subject to GDPR.

PW would only ask for information that was relevant to the decision to be made. If personal information is required, then attendees should raise this fact. It is important that if personal information is released there is a different procedure to dealing with it. **PW** explained if the information felt as though it would breach GDPR then **PW** would ask for a general point to be made orally and the personal point to be made in writing. Written information is published but can be redacted and therefore personal details will not be published.

PW outlined the proposed scheme. **PW** explained that the Planning Act 2008 allows for all components to be included within single application for a national significant infrastructure project. If development consent is granted, the one

Development Consent Order would cover all elements. PW states that it is his role to examine the application and report back to the Secretary of State for transport. As stated, before **PW** is the single appointed ExA compared to other cases where they have bigger panels. **PW** has 6 months to examine the proposal, with a further 3 months to set out a report for the SoS. The S.o.S has 3 months to consider that report. Only focuses on the procedure of the examination.

PW explains that the purpose of the preliminary meeting is to consider the process of the examination and won't be looking at the merit of the proposed scheme. The Open Floor Hearing which follows the PM, will allow for questions of merit to be raised. The PM does not assess the substance or merit of the application. This discussion is for the process of Examination. The examination starts after the close of the PM. **PW** set out the initial proposal for the examination in the rule 6 letter dated 22 March 2019. **PW** explained to attendees that this meeting was the opportunity to have your say on how the process should be followed, this is the opportunity to change/alter how the process should be. **PW** will discuss the Examination timetable further in of the meeting. Annex C encapsulates the way **PW** initially thinks the Examination should proceed. The agenda for the meeting is set out in Annex A of the Rule 6 letter.

PW checks whether anyone from the media is present to which there is none. **PW** invites the attendees to introduce themselves starting with the Applicant: **Angus Walker (AW)** from BDB Pitmans on behalf of the Applicant, **Highways England**. **AW** is supported by **Katie Persaud** and **Alex Hallatt** from **BDB Pitmans**. Also, in attendance were **James Leeming**, **Bernice Beckley** and **Katie Foulkes** from **Highways England**.

Amanda Bereford (AB) from Shulmans LLP representing **Princes Quay Retail and Princes Quay Estate and Development Ltd**. **Alex Collinger** representing **Hull City Council**. **Rebecca Cultten – HICP HNIP (Holiday Inn)**.

Item 2: The Examining Authority's (ExA's) remarks about the examination process

PW explains that it is the Examining Authority's choice on how the application is screened. The Examining Authority must operate within regulations and policy set out by government. The Government set out the National Policy Statements, specific to this case is the Networks NPS. It is not the Examining Authorities role to consider merits of the policy but to consider merits of the application. The policy will be a high-level guide in which **PW** will approach in examining documents. The process is inquisitorial not an interrogation. **PW** will not be considering the merits of the National Policy Statements but will consider the merits of the project within the context of statements.

PW explains that the examination is strictly a written process. The main body of evidence informing judgement/recommendation will be made through written representations. If you look at timetable you will see the opportunity to make written representations. There will also be the opportunity to send responses in

response to written reps, SoCG, LIR, and other docs. These should set out what you think and why you think it; should justify/ explain why you have that point of view; supported with evidence. SoCG to be produced throughout examination. Summaries should be produced if the reps are over 1500 words. LIR prepared by local authority. **AC** preparing one to be written on behalf of Hull City Council. **PW** directed **AC** to guidance on the website for LIR.

PW outlines what Statements of Common Ground are and has asked for SoCGs to be produced with Natural England, Historic England and the Environment Agency.

PW explained the different types of hearing that would take place over the course of the examination period. These would be Open Floor Hearings, which would subsequently follow the close of the Preliminary Meeting. There are also Issue Specific Hearings and Compulsorily Acquisition Hearings. **PW** intends to hold a dDCO hearing which would be held in a non-prejudicial way. Attendees should engage regardless of whether they agree or oppose the scheme to S.o.S. If **PW** does not hold an ISH on a specific topic, it doesn't mean **PW** hasn't considered it. Just means **PW** has enough information to assess it. Affected Persons have a right to be heard at Compulsory Acquisition Hearing: Any Affected Person can request a CAH then it will be held. We are proposing to hold one.

PW has undertaken an Unaccompanied Site Inspection and a note will be produced soon. An Accompanied Site Inspection is to be held, it will be up to the individuals to mention key features which back up the written representation made and are used as evidence. Not a chance to discuss merits of the proposal. If no requests made, then **PW** may go on his own.

AW is a statutory process and should be treated with due regard hearing so there is the potential for costs to be awarded against affected parties. For unreasonable behaviour.

AW EL not ordered correctly so if that can be amended before being used. **AW** provide a SoCG with Hull City Council. HCC seconds that.

AB raises point to be discussed at item 6 as it's a procedural matter on the basis of alternative sites Principle of submission questioned. If **PW** believes it is a merit point then he will advise **AB** to raise it at the subsequent OFH. **AB** content to discuss it at Item 6

Item 3: Initial Assessment of Principal Issues

No issues with the list of the principle issues.

Item 4/5: Timetable

PW outlines the deadlines set out in Annex C of the Rule 6 letter. **AW** asks for a 31-day window for notification of hearings and site visits that will be undertaken, so the applicant can meet its statutory duties.

AW queries whether updated documents should be submitted at Deadline 1 or before if they are ready. **PW** sees no reason why they should wait. **AW** support

the dates set out for hearings and suggests the ASI occur during the same week for convenience.

AC asked for hearings relating to historic environment to occur after 5 June 2019. A planning application for hotel development and relocation of the old grey building that will bring into use Castle Buildings is to come in later this week, which would have a knock-on effect on the A63 Castle Street scheme. A decision on this application would be made on the 5 June 2019.

PW asked if they would be providing this as evidence within the Statement of Common Ground or Local Impact Report. **AC** confirmed they will be and that AC would not be in attendance on the 5 June 2019.

PW to confirm if any hearing on Historic Environment to take place then it should be after 5/6/19 either the Thursday/Friday. This info provided in written reps. Historic hearings to take place at the backend of this week/after this date.

PW any more questions relating to timetable? No

Item 6: Any remaining submissions regarding procedural matters

AB on behalf of one of my clients Princess Quay Retail limited. It is inappropriate to have alternative sites within the DCO; shouldn't have two options. Consequences in doing so are unacceptable. Would be helpful to have an early decision on that matter, so we can deal with harmful consequences.

PW what would you like to see from me/outcome procedurally?

AB to take a decision on whether it is appropriate to continue with two options for DCO. Decision on that will determine how we proceed. Request to take decision with two options or one option. Harmful consequences include risk to public interest which cannot be dealt with if there are two options within the DCO. The client's site is in a prominent location, if allowed to become vacant or deteriorate, detrimental to local environment/ public environment. Client cannot let land, even though there are buyers, but cannot do so now. If the option falls out client is not compensated in any way. Not correct way to deal with DCO. Not the correct way to proceed. S122 of PA2008, promoter in this case, cannot prove they are incidental or.

PW S122 about the making of the DCO, which seems as a point about merit. What should **PW** do procedurally about this juncture, as scheme has been accepted by planning inspectorate.

AW if **AB** considering it is unlawful to have 2 alternative sites then it's a procedural matter but if it is lawful to do it and shouldn't do it then it's a matter for the OFH or the CAH

PW is the need for two sites unlawful your point?

AB Yes. Refers to S122 of the PA2008 Promoters should be able to show that a site included in DCO is required for the development or it is to facilitate development or incidental to the development. In this situation the promoter does not seek to prove that both sites A or B are required, incidental or

facilitating the development. Promoter acknowledge only one site required. Clearly known at the beginning that the other site won't be needed. My submission is that it is Abuse of stat powers if know from outset which option, they will follow. S122(3) provides there must be a compelling case in the public interest for land to be purchased compulsorily. Including 2 sites from the outset is a abuse of power as one will be promoted to satisfy this test. Including two sites is not in public interest it blights of two sites. One option is within public land and so have a greater impact on. Consequences to land owner who must wait a long period of time for a decision to be made. Applicant should pick one alternative for period of examination. **PW** who will make that decision. The applicant should be making that decisions within the next two weeks. So, can be clearly assessed within period of examination.

AW disagrees with statement of being unlawful referencing Hinckley interchange had two options throughout the application. Applicant hopeful to pick preferred scheme within the next few weeks and wouldn't last through examination.

PW how confident with the number of weeks until they decide between the preferred options.

JL for Applicant confident working with HCC decision due imminently.

AW On applicability of 122 not applicable to an application as it starts an order granting development consent, that on the basis the order is decided rather than what is contained in the application. Talking about draft not final DCO. In ref to 122 that states it for DCO not draft DCO. Point about blighting on land is no different to any land subjected to CA, the fact that there is a alt site is different but the effect is the same on the land.

AB heartening to hear there is resolution to alternative sites within the next few weeks but would be helpful how that would be given certainty. S122 applicable at order is decided, seems to be abuse of process, to carry on with an order is decided. In response to blighting it is no different to Compulsorily Acquisition cause blighting multiple sites. Promoting multiple sites blighted which may not be covered to be compensated.

PW some scope for discussion outside of this hearing. Potential to remove option B. To send submission of rep to PINS if not happy. Would ask that discussions take place after the close of the PM. Can discuss at OFH

AB and **AW** happy to proceed.

PW Any other submissions anyone wishes to make. *Silence*

PW potential changes to the scheme, comment raised by MMO relating too footbridge at prince's quay shopping centre, which has planning permission and is on the way to be built. Question is whether it should continue to be pursued in NSIP scheme or considered as separate scheme. MMO believe it should be removed. PW has no views yet. From procedural point of view, early indication of whether there would be a change or not would be helpful.

AW is part of the application and applied for DMO and planning permission. At time of drafting DCO wasn't sure it'd be granted and if land powers would be made available. Has been granted and work underway. Nearly satisfied that it is not needed in DCO. Some works that need to be reached before applicant comfortable that there is no issue with accessing land. When point reached then won't be in DCO. For now, it will stay within DCO.

PW applicant and AB to continue talks after close of PM. Otherwise we can continue with written submission to be provided outlining views.

PW potential changes to scheme. By MMO, footbridge. Princess quay bridge to remain within the application. IF removed will be a NMC and have due effects.

Item 7: Other Matters

PW Will produce R8 letter and initial written questions soon.

The meeting closed at 11:19am