

# Preliminary Meeting Note

## Summary of Key Points Discussed and Advice Given

**Application:** Silvertown Tunnel

**Reference:** TR010021

**Time & Date:** 10am, Tuesday 11 October 2016

**Venue:** ExCeL London, One Western Gateway, Royal Victoria Dock, London E16 1XL

### **Examining Authority:**

Peter Robottom MA (Oxon) DipTP MRTPI MCMI (Panel Lead)

Lillian Harrison BSc MSc PhD MRTPI MCIWM

Austin Smyth PhD BA (Hons) FCILT

**Planning Inspectorate:** Katherine King (Case Manager), Emre Williams (Case Manager)

*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.*

### **Welcome and Introductions**

Peter Robottom (PR) introduced himself as the Panel lead, welcomed those present and opened the Preliminary Meeting (PM) to consider procedural arrangements for the examination of the application for the Development Consent Order (DCO) to construct and operate the Silvertown Tunnel.

PR gave his qualifications as a chartered town planner who has worked for a number of local authorities, including substantial periods as Head of Planning at Oxford and Borough Planning Officer, and Head of Economic Development at Brighton; both of these positions required him to be very heavily involved in planning matters. PR stated that he joined the Planning Inspectorate (PINS) in 1991, and from 2001 onwards managed successively development plan and ministerial casework, including transport infrastructure, before serving as Director of Casework in 2008, and since has conducted inquiries and examinations into development plans and transport schemes, including acting as chair of the Examining panel for the Replacement London Plan in 2010. PR stated that he has also been appointed by the Secretary of State (SoS) for Transport to hold and report on the inquiry into the London Overground Barking Riverside Extension TWA that is currently being conducted in parallel with the Examination for this scheme.

Lilian Harrison (LH) introduced herself as an Examining Inspector appointed by the SoS to the panel, and gave her background and qualifications as a chartered town planner who has worked in various planning and environmental roles in the

minerals and waste industry, environmental and planning consultancies, and in local government, including three years in a senior planning role for Kent County Council.

Austin Smyth (AS) introduced himself as an Examining Inspector appointed by the SoS to the panel, and gave his background and experience as a professor of transport for the University of Hertfordshire with about thirty-five years of experience in transport planning and economics in industry, academia and government. AS stated that he has worked extensively in transport schemes throughout the world but that most of his experience had been gained in the UK and EU; his specialist areas of expertise and experience are in transport economics and modelling, and he was awarded his doctorate thirty years ago.

PR introduced Katherine King (KK) and Emre Williams (EW) as the Case Managers for the proposed scheme from the Planning Inspectorate. KK then set out the housekeeping rules and emergency procedures.

PR stated that, in addition to the applicant and local authorities, other attendees likely to be present as they either represented bodies that are statutory parties; had submitted a relevant representation and were therefore an Interested Party, or were an individual or body affected by the application for compulsory acquisition of land or rights over land. PR also confirmed that there could be persons present not covered under any of these descriptions, and welcomed all to the PM.

PR explained that the purpose of the meeting was to focus on how the panel would be examining the application, and that they would be discussing purely the procedural aspects of the examination. PR confirmed that the panel would not be taking evidence or discussing the merits or otherwise of the DCO scheme at this meeting, and that the merits of the application could only be considered once the examination had started formally, which would be the day following the PM.

PR stated that it was the Panel's aim that everyone who wished to speak would be given an opportunity to, and with this in mind asked all attendees to endeavour to keep their contributions as focussed as possible in order to make the best use of the time available, and to not repeat points already made by others.

PR explained that a note would be taken of the meeting, and that this would be published as soon as possible on the Silvertown Tunnel, National Infrastructure Planning website. PR also advised that an audio recording would be made and published in the same way as the meeting note.

PR asked if there were any journalists present. None replied.

PR asked if any of the attendees present intended to record, tweet or film the proceedings for their own use. One attendee confirmed that they did. PR advised the attendees that they had the right to report, film or tweet the proceedings, but that this should be done responsibly and in a way so as not to interrupt the proceedings. PR asked if any attendees wished to avoid being filmed; some

attendees confirmed that they did, and so PR asked for these persons to not be included in any filming.

An attendee stated that they intended to record parts of the meeting for their own record.

PR confirmed that this was acceptable, but that the only official record of the proceedings would be the notes and audio recordings that would be published on the National Infrastructure Planning website, so that any tweets, blogs and similar communications arising from the meeting would not be accepted as evidence in the examination of the application.

PR then asked those who had registered to speak to introduce themselves and confirmed that the order of parties he addressed would not indicate that he regarded any party more important than any other.

PR stated that he had received a note from the Applicant that they would normally be represented by Mr Michael Humphries QC, but that he was not present today.

Mr Robbie Owen (RO) introduced himself as a solicitor and partner of the law firm Pinsent Masons, and confirmed that he was representing the Applicant (Transport for London (TfL)). RO also introduced on the Applicant's behalf, his colleagues Mr Duncan O'Connor, a Senior Associate with Pinsent Masons, and Mr Neil Chester and Mr Jason Saldanha, both from TfL.

PR referred to a letter received from the Applicant prior to the meeting, which indicated that there were matters that they (the Applicant) wished to raise; PR asked the Applicant if there were any parts of the agenda that they particularly wished to contribute to.

RO confirmed that they mainly wished to contribute to the principle issues and the draft examination timetable, and that they also wished to raise a matter under agenda item 2, in relation to the submitted Update Report. PR confirmed that he would refer to the Applicant at this point in the meeting.

Deborah Cluett (DC) from City of London Corporation's City Solicitor Department introduced herself, and stated that the City of London Corporation had one point to make, which was that they considered there to be an additional principle issue which would merit examination.

PR asked if there were any planning authorities represented at the meeting, who wished to speak. None responded at that stage.

Ms Yates representing the Health and Safety Executive (HSE) introduced herself, and stated that they wished to comment on the principle issues and Statements of Common Ground (SoCGs).

Jennifer Bates (JB) representing Friends of the Earth (FoE) introduced herself as an air pollution campaigner and expert, and confirmed that they wished to raise points relating to process, as well as dates of hearings and deadlines in relation to air pollution.

LH confirmed for the record that she had been aware that a Jennifer Bates would be attending, but that it was not the same person with the same name that she had worked with previously, and apologised for any confusion.

Sherwood Solicitors, representing the principle owners of the land under the tunnel, indicated that they would only speak at the meeting if needed but not otherwise.

PR introduced Mr Howard Bassford (HB) representing AEG (Anschutz Entertainment Group) and asked him to confirm which points he wished to address.

HB confirmed that he also represented Anso Arena Limited (the owners of the O<sub>2</sub>), and that they wished to address the panel in relation to agenda items three and five.

Sian Berry (SB) introduced herself as an Interested Party as well as a London-Wide member of the London Assembly representing all of London, and confirmed that she is an individual assembly member not representing the whole London Assembly. SB stated that she wished to make comments on the overall process as well as the updated documents.

Alison Gorlov (AG) introduced herself as a partner of Winkwood Sherwood Solicitors representing the Port of London Authority (PLA), and introduced Lucy Owen, the Assistant Director of Planning from the PLA. AG confirmed that they wished to speak specifically on the principle issues at agenda items 3, 4, 8, 9 and 11, and that PLA also had another principle issue that they wished to raise. AG stated that they also wished to raise issues on process.

LH stated for the record that she knew Lucy Owen professionally, but she had not had any contact with her since she (LH) left her job role with Kent County Council in 2013. Lucy Owen confirmed that that was indeed correct.

PR reminded statutory bodies that unless they had already submitted a relevant representation that they would need to confirm their wish to remain an Interested Party by deadline 1 to take part in the Examination.

### **Principles of the Examination**

For the benefit of those attendees who may not be familiar with the process PR set out the principles governing the nature of the Examination under the Planning Act 2008 (PA2008) and in accordance with s87 of the Act it is for the Examining Authority to decide how the Examination will be conducted, and that there were six attributes that would govern the way in which the Examination would be conducted; independence and impartiality, rigour, a focus on evidence and justification, openness, fairness, and timeliness. PR then expanded on the significance of each of these issues in detail.

Regarding the issue of costs, PR gave a detailed overview thereof and referred the attendees to the revised guidance on costs issued by the Department of Communities and Local Government (DCLG) July 2013 (*Awards of costs: examinations of applications for development consent orders*).

PR asked if there were any questions relating to the ExA's proposed Examination of the application.

FoE asked if audio recordings would be made of all future hearings. PR confirmed that they would be. FoE requested that the audio recordings are put into a transcript form for the benefit of local people not able to attend, so that they could more easily find the section relevant to them. PR stated that The Planning Inspectorate had tried software to convert audio into text in the past and that this had not been wholly satisfactory, but that they would reflect on this and consider this request.

FoE requested that any future Open Floor Hearings (OFH) take place on the south side of the river. PR advised that a venue for future hearings had not yet been fixed, but that investigations had already started into the availability of potential venues for hearings scheduled in December, and that it may not be possible to book a venue on the south side of the river for that time. PR confirmed that they would keep in mind this request for any future OFH if required.

FoE requested clarification of whether or not individuals could make points at an OFH if they had not registered as an IP. PR confirmed that this could be allowed only at the ExA's discretion as the system works on the basis of persons registering as IPs, and that if there were time constraints, IPs would be given priority to speak over those who hadn't registered.

FoE asked if expert witnesses could also attend to provide contributions on attendee's behalf at hearings. PR confirmed that this would be appropriate at an Issue Specific Hearing (ISH) where there would be opportunity for discussion and debate, rather than at an OFH, which are for the purpose of providing a statement of views only.

### **Procedural Decisions**

PR stated that annex G of the letter sent 13 September 2016 confirmed the acceptance of a number of documents that had been requested under s51 advice following the acceptance of the application. More recently, the applicant had submitted a number of additional documents to the Examination including an update report which reflects the outcome of the mayoral review, and a rebasing of the air quality assessment. PR confirmed that these documents (reference numbers AS-017 to AS-025 within the Examination Library) were received the previous week to the PM and published on the Silvertown Tunnel website on 5 October. PR confirmed that an opportunity had been given within the agenda to comment on the acceptability of the documents as part of the Examination and the Panel would make a decision on whether to accept these documents into the Examination after the meeting.

In relation to the additional submitted documents, RO stated that their Update Report was submitted in advance of the PM so that the panel could take it into account when finalising arrangements for the Examination, and IPs would have opportunity to comment, and gave a description of the contents of the Update

Report. RO set out a point of clarification, relating to the mayoral review and Update Report, that the mayor confirmed that he wished to see a number of other crossings considered and accelerated, including a new pedestrian bridge between Rotherhithe and Canary Wharf, a new DLR crossing at Galleons Reach, further assessment of the proposed ferry crossing from North Greenwich to the Isle of Dogs, and the extension of an Overground rail network from Barking Riverside across the Thames to Abbey Wood; RO confirmed that paragraph 2.7 of the Update Report stated that 'at the current estimate, these new crossings could all be delivered within the next decade', and clarified that the proposed Overground extension from Barking Riverside to Abbey Wood was a longer term possibility than the other proposed crossings.

SB stated that she was surprised that the application had not been withdrawn following the announcement of the mayoral review in May of this year. SB stated that she could not find any record on the PINS website of any correspondence or advice asked for by TfL as a result of the review, and that no comment on the mayoral review was given until the Update Report submitted on 4 October. SB advised that she had found a s51 record of advice following a meeting held 15 June 2016, where PINS advised the applicant that any updated documents should be submitted ten days before the PM, and that as the documents were announced 4 October and published the following day, only five days were given for review prior to the PM.

SB stated that there are still a number of issues outstanding from these documents to be resolved, including the provision of further benefits for local residents, which the mayor has asked the applicant to explore and stated that the scheme did not appear to be finalised in line with the usual Pre-Application process. SB set out the following questions:

1. Was PINS made aware of the mayoral review, as she could not find any written record of this;
2. Why wasn't the application withdrawn following the announcement of the mayoral review, should it have been accepted;
3. What are the panel's views on what further changes may be made- if this was a genuine review, should more changes that are material be possible as part of a review, and how far could they go;
4. In what way could she raise this issue with the panel formally, as this raised an issue on the appropriate way to treat the DCO process.

PR responded that in terms of acceptance, that if the application was not withdrawn by the applicant, that it was then the decision of PINS, in line with appropriate guidance, statute and law, to consider whether or not the additional information had met the requirements for Examination.

PR confirmed that PINS was aware that a mayoral review was planned, after which the application could have been withdrawn, but that the applicant had decided not to.

Regarding amendment of the application, PR advised that there is published guidance as to what has to be taken into account as to whether or not the scheme is so amended that it constitutes a different proposal, and that the panel would have to have regard to paragraphs 109 – 115 of the March 2015 DCLG guidance: Guidance for the examination of applications for development consent.

PR stated that the issue of local concessions or funds to benefit the local area had been raised in the pre-Examination consultation material, and so this issue had already been considered once, and that at the time of the submission of the application, the view was that such concessions would not be provided; however it now appeared that it was the mayor's point of view that benefits to local residents should be provided as part of the scheme. PR confirmed that this would be considered if it did become part of the scheme, but that at present it was only a possibility, not a change. PR stated that another change appeared to be offering greater mitigation and setting it in wider context of other transport proposals which would not be part of this scheme but would be occurring in parallel.

PR confirmed that the panel would have to consider whether or not there had been a substantive change proposed within the mayoral review, and that the key test for this would be *Bernard Wheatcroft vs. the Secretary of State (1982)*, the key issue being whether or not the scheme had been so changed that people had been denied the opportunity to comment, where they might otherwise have done so.

PR advised that SB's comments would be taken into account, and that there were a number of issues raised within the documents submitted 4 October 2016 that would be put forward within their First Written Questions (FWQ), should the documents be accepted into the Examination.

SB also asked, in relation to the impact of the mayoral review on the Examination timetable, if further changes were made, what effect would this have on the ability to meet the six month deadline, bearing in mind that the updated air quality assessments were not due until deadline two, and that these may contain important data for local residents and FoE to review to inform any further representation.

PR responded that at present he could not determine whether or not the updated air quality assessments due at deadline two would include fundamental material changes or not, and that opportunity for comments would be provided once these had been submitted. PR advised that taking into account case law from previous DCO applications, the SoS was not typically minded to extend the examination period, but if fundamental changes had occurred, that this would be reflected by the panel in their Examination of the project, and their report to the SoS.

RO stated in response to the issue of provision of further benefit to local residents, that the mayor's required enhancement as stated within the Update Report was that the applicant should consider in what form these benefits should take and update the Examining Authority in due course. RO clarified that at

present there was no decision on what form these benefits would take, but that this would be made known as soon as possible to provide for comments.

SB highlighted that if local resident discount benefit was decided, that this could have a significant impact on traffic and air pollution, and possibly further assessment being required.

FoE stated in addition to SB's comments, that the updated air quality assessments could not inform the written representations due for deadline 1, as they were not due to be submitted until deadline 2. In response, PR confirmed that periods for comments would be provided at each stage throughout the Examination, and that they could decide whether or not to submit comments at the written representation, or reserve judgement until further information had been provided.

### **Initial Assessment of Principal Issues**

LH and AS set out the principal issues and expanded upon the matters to be considered under each of those identified in the Rule 6 letter.

LH asked if there were any other principle issues not already mentioned or identified or any comments on the issues already mentioned, stressing that the merits of the issues would not be discussed at this meeting.

Relating to Item 7 (Policy and Objectives), RO (TfL) raised the issue of consistency with policy set out in the London Plan, local plan documents, the national planning policy framework (NPPF), the national networks national policy statement and other policy documents considered relevant. RO confirmed that the scheme would be required to be authorised by a DCO due to directions given under s35 of the PA2008, and must therefore be treated as a nationally significant infrastructure project (NSIP), and stated that the National Networks National Policy Statement should be at the top of the hierarchy of relevant policies, given its particular legal status.

PR responded that it was not clear if the Development Plan or National Networks National Policy Statement (NNPS) was more relevant to this scheme, and that National Networks National Policies did not deal with Greater London Authority (GLA) roads; PR advised that this issue would be examined further within the FWQ.

RO confirmed that the Applicant would provide responses to written questions, and referred the panel to paragraphs 1.5 and 3.27 of the NNPS, which give reference to schemes under s35 of the PA2008.

HSE (Katrina Yates) requested health and safety to be considered as a sub-issue within Item 1 (Air Quality, Noise and other Construction or Operational Impacts), in order to ensure that HSE's advice was given consideration at the appropriate Issue Specific Hearing (ISH) and written materials as necessary.

Howard Bassford (HB) requested that effects on material assets, in particular the O<sub>2</sub> arena should be considered within the principle issue of Item 1, in particular the impact on car parking arrangements.

HB requested that the effect of business on the O<sub>2</sub> should be covered within the principle issue of Item 8 (Redevelopment, urban renewal and other socio-economic issues).

HB stated that the interaction of the project in relation to the operations of the O<sub>2</sub> needs to be understood and covered within the principle issue of Transport and Traffic, as it (the O<sub>2</sub>) does not have the same effect upon the road network as an 'ordinary area' would, and interaction of the project in relation to parking arrangements, links and nodes at the O<sub>2</sub> needs to be understood

HB requested that interference in rights should be covered within the principle issue of User Charges, in particular that the user charges imposed by the applicant would be an interference of the right of the public to use a highway, the justification of the extent of the interference, and the economic impact of the charges.

AS confirmed that the panel had anticipated some of the issues set out by AEG, and that these would be addressed throughout the Examination.

Under Item 1, FoE requested that the key impact disproportionately affects vulnerable people and BAME (Black, Asian and minority ethnic) communities; this should be investigated and assessed.

PLA requested Item 8 be expanded so that it covers impact on all river users, some of whom would not fit into the identified categories.

PLA also asked the panel to confirm where it was anticipated that the panel might address issues on construction, in particular regarding the depth of the tunnel, and tunnel protection.

LH advised that this would be covered within the issue of the wording of the DCO, and that the panel would be asking the applicant further questions on this as part of their FWQ.

DC (City of London Corporation) suggested that a separate issue should be raised under Item 9 (Transport and Traffic), highlighting the question of whether or not the tunnel should be built with a Category A designation, without which there would be a restriction on the carriage of dangerous goods.

LH confirmed that the panel was aware of this issue, and would be asking further questions on this.

PR confirmed that as they were absent, issues raised by Public Health England within submissions to PINS would be dealt with in writing following the PM.

### **Draft timetable**

PR gave a detailed overview and explanation of the key events within the Examination timetable as set out in the Rule 6 letter. RO requested Deadline 2 to be pushed back from 8 December to Wednesday 14 December, as it was scheduled for the same day as a CAH, as well as being at the end of a working

week which could potentially mean that submitted documents may not be published on the PINS website until the following week.

RO also requested the submission of the applicant's final draft DCO to be removed from Deadline 6 (5 April 2017), as this deadline also currently requires the submission of comments from any parties on the Examining Authority's draft DCO, which would mean that the applicant would not have opportunity to take into account any of these in the production of their final draft DCO. RO suggested that an additional final deadline should be added to the timetable, being 10 April 2017, specifically for the submission of the applicant's final draft DCO.

In relation to hearings scheduled for 10-13 January 2017, RO stated that these dates posed difficulties for the applicant, as their advisor Mr Mike Humphries QC was scheduled to appear in Supreme Court that week, and proposed that the hearings be pushed back to the following week commencing 16 January 2017. In addition to this, RO requested the order of the hearings to be amended to the following: DCO ISH on Tuesday 17 January 2017; Traffic modelling, forecasting and user charges on Wednesday 18 January; Air quality, noise and other environmental issues on Thursday 19 January; Economic issues on the morning of Friday 20 January, and a CAH reserved for the afternoon of 20 January of required. The applicant had requested this order to allow for the maximum time to take into account issues raised at the DCO ISH in preparation for the submission of the revised draft DCO at Deadline 3 (25 January 2017).

RO also requested clarification from the ExA on what might be covered during this ISH on economic issues.

PR confirmed that the panel was content to accept the applicant's request to move the date of Deadline 2 back by six days to Wednesday 14 December, and to create an additional final deadline within the timetable for the submission of the applicant's final draft DCO. PR also agreed that the January hearings could be put back by one week.

PR explained that at this point the panel could not confirm agreement with changing the order of the hearings, as suggested by RO, as issues arising from the Traffic modelling, forecasting and user charges hearing could also have a significant impact on the revision of the draft DCO due at deadline 3.

Relating to the economic issues to be discussed at the ISH, PR stated that the FWQ would cover factors discerned from the application and supporting documents, in particular although economic development is meant to be an objective of the scheme, there currently appears to be a negative cost benefit to commercial users of the Blackwall Tunnel. PR confirmed that the panel would include economic considerations in the ISH on traffic modelling, forecasting and user-charging on Tuesday 17 January, which would enable the CAH to take place on the morning of Thursday 19 January, with any specific CA ASI (Accompanied Site Inspection) taking place in the afternoon of that day. PR stated that this was still being considered, and parties could still comment on the proposed arrangements for the hearings.

KY (HSE) confirmed that HSE would not be available on the date proposed by the applicant for the ISH on environmental matters. HSE requested instead that this hearing be moved to any other date that week.

PR proposed to hold the ISH on environmental matters on Wednesday 18 January, and move the ISH on traffic and transport to Tuesday 17 instead. KY confirmed that this would be helpful.

### **Deadlines and hearing dates**

KY (HSE) confirmed that at present the panel hadn't requested a SoCG regarding health and safety, and requested that they add a SoCG between the applicant and the HSE regarding health and safety to its list of required SoCGs, and that it may also be appropriate to involve local authorities.

LH confirmed that the panel welcomed suggestions on additional SoCGs, as stated within their list of SoCGs within their Rule 6.

PLA stated that within the list of subjects relating to dredging and navigation, the impact of users appeared to be restricted only to the construction and use of the new temporary jetty, and that PLA wished to see this list extended to cover impacts on river users generally in relation to dredging and navigation.

PLA stated that in regard to traffic modelling and mitigation, the list of bodies asked to contribute to SoCGs is solely land based, and asked the panel to also take into account the river, and the PLA.

PLA also suggested a separate SoCG to deal with river users in general, as there would be issues that may not be picked up within the dredging and navigation statement.

PR asked PLA if there would be an inter-relation between river use, or is river use a separate point in relation to dredging and other constructional activities which would interfere with river traffic.

PLA advised that there were potentially three separate issues that were of concern to them; the over-all impact on river users resulting from the use of the river and adjoining wharfs; traffic in the river (not on land) could be dealt with in Traffic monitoring and mitigation, and river users generally, and was the decision of the panel to deal with river use as a separate issue.

LH confirmed that some of the issues raised by the PLA were due to be dealt with in the FWQ.

HB stated that in relation to traffic modelling and forecasting, the panel should require a SoCG between the applicant and AnSCO, as well as on traffic modelling and mitigation. HB stated that none of the authorities invited to enter into SoCGs had picked up on issues of performance of the road network on the Greenwich peninsula, and that AnSCO would ensure that these topics were dealt with in a SoCG with the applicant.

PR confirmed that the panel would give consideration on how to meet AnSCO's requirements.

PR asked the applicant if they wished to comment on points raised on SoCGs.

In response to the PLA, RO confirmed that adding river users to the proposed SoCG on dredging and navigation, and a separate SoCG for river users in general would be acceptable, but did not feel that adding river users to the traffic monitoring SoCG was logical.

In response to AEG, RO confirmed that the list included within the Rule 6 letter was not exhaustive, and that they were intending to enter into SoCGs with additional principal landowners, including AEG, which could deal with traffic modelling and mitigation.

Kim Smith from the Royal Borough of Greenwich (RBG) stated in response to AEG's comments related to the SoCG on traffic modelling that RBG were looking in detail at local travel movement, including the Greenwich peninsula, and confirmed that they would want to be involved in any discussions relating to AEG's area.

RO confirmed that HSE's proposal was acceptable.

RO stated that they wished to query with the panel the purpose of including the Marine Management Organisation (MMO) in flood risk assessment and surface water, and cultural heritage SoCGs.

LH confirmed that the panel was trying to ascertain who was responsible for which parts of these issues, and that there may be cultural or heritage items found offshore in the dredging and construction of the jetty, which the MMO may wish to comment on, or they may consider that they have no interest relating to these issues.

Kathleen Ludford (MMO) confirmed that the MMO would want to enter into SoCGs with the applicant covering the topics listed within the Rule 6 letter, as they were part of the MMO's assessment.

Ben Lander (MMO) confirmed that in a teleconference with the applicant it was agreed the MMO would be kept involved but may defer culture and heritage to Historic England, and issues relating to flood risk to the Environment Agency, as their advisors in these areas.

PR asked if there were any particular concerns with the choice of venue or the technical arrangements, as the choice of venue for future hearings had not yet been fixed. None were given.

PR asked if there were any further questions about the hearing arrangements. None were given.

### **Accompanied Site Inspections**

PR confirmed that the subject of Accompanied Site Inspections had been dealt with earlier in the meeting under the subject of the Timetable. PR explained that

the panel proposed to carry out site inspections to locations affected by the application proposal, and that they had already begun to familiarise themselves with the land environs of the proposed order by carrying out an unaccompanied site inspection from publicly accessible locations on the previous day, a note of which would be published shortly.

PR advised that the panel may undertake other unaccompanied site inspections later on in the Examination, and that notes of these would also be published. PR also advised that Tuesday 6 December 2016 had been reserved in the draft timetable for an accompanied site inspection, and that the panel was also reserving the possibility that Affected Persons may wish to view disputed plots following the Compulsory Acquisition hearing scheduled to take place in January 2017.

PR advised that the panel was conscious that there could be sensitivities regarding the conduct of such visits, for example that it may not be prudent or even possible to visit potentially hazardous operational sites. PR advised that if such a visit was requested, the normal process would be for parties to agree who would attend on a representative basis in order to ensure that the inspection was fair and open, and that the Applicant and at least some objectors would need to be present to ensure fairness.

PR invited attendees to provide notifications of possible locations to visit at the December ASI no later than Tuesday 15 November 2016, and advised to also include the features to be observed, whether these features could be viewed from public land, the reasons for the nomination, whether or why an ASI would be necessary, and who should attend.

### **Any other matters**

PR asked if there were any other matters any attendees wished to raise at this point.

RO, confirmed that the panel keep in mind the statutory notification periods for hearings and ASIs.

### **Close of the Preliminary Meeting**

PR confirmed that a letter setting out the final timetable and any procedural decisions following this meeting would be published along with the panel's FWQ.

The meeting closed.