



# Preliminary Meeting Note

## Summary of key points discussed and advice given

**Application: A19 Downhill Lane Junction Improvement**

**Reference: TR010024**

**Time and date: 10:00 on Tuesday 13 August 2019**

**Venue: Clarion Hotel Boldon, Boldon Business Park, Boldon Colliery, Tyne and Wear NE35 9PE**

*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.*

### Item 1: Introduction

**Kevin Gleeson (KG)** welcomed the attendees and opened the Preliminary Meeting (PM) for the application made by Highways England (the Applicant) for an Order granting Development Consent (DCO) for the A19 Downhill Lane Junction Improvement Scheme. The project is to enhance the capacity of the junction between the A19 and A1290 and it involves the construction of a new bridge to the south of the existing bridge across the A19. Together with the existing bridge this will form a more traditional roundabout layout above the A19. New slip roads will connect the A19 to the south while to the north, link roads will tie into the Testo's Junction Improvement.

**KG** stated that he is a chartered town planner and was appointed by the Secretary of State (SoS) for Housing, Communities and Local Government on 8 March 2019 to be the Examining Authority (ExA) for the application. **KG** will be reporting to the Secretary of State for Transport with a recommendation as to whether the Development Consent Order should be made. **KG** confirms that he has no declarable interests in relation to this appointment. **KG** introduced **Kate Mignano (KM)**, the Case Manager for this project, and **Ewa Sherman (ES)**, the Case Officer from the case team, as well as three other colleagues from the Planning Inspectorate observing proceedings: **Graham Stallwood (GS)**, Director of Operations, and two Examining Inspectors **Dominic Young (DY)** and **Neil Humphrey (NH)**.

After advising on housekeeping matters, **KG** asked whether anyone from the Press was present and explained that an audio recording of the PM will be available on the project page the National Infrastructure pages of the Planning Inspectorate website as soon as possible. **KG** advised that as the digital recordings are retained and published, they form a public record that can contain personal information and to which the General Data Protection Regulation (GDPR) applies.

**KG** explained that The Planning Inspectorate's practice is to retain and publish the recordings for a period of 5 years from the SoS' decision on the DCO. The participants of the hearing process need to understand that they will be recorded and so consent to the retention and publication of the digital recording.

**KG** stated that he will only ever ask for information to be placed on the public record that is important and relevant to the examination. It will only be in the rarest of circumstances that he might ask a person to provide personal information of the types that most people would prefer to keep private or confidential. But to avoid the need to edit the digital recordings, **KG** asked attendees to try not to add information to the public record which attendees would wish to be kept private and confidential.

**KG** stated that the project website which can be found at <https://infrastructure.planninginspectorate.gov.uk/>, provides all of the information about the application and will be updated as the Examination proceeds. It also provides a range of background information which is relevant to the examination of National Infrastructure projects. If anyone does not have their own access to the internet, the material can be viewed electronically at Hebburn Central, Jarrow and The Word libraries with details provided in Annex H of the letter dated 12 July 2019 (known as the Rule 6 Letter). Hard copies are also available at The Word Library and the Bunny Hill Customer Service Centre, Hylton Lane, Sunderland. **KG** noted that he would refer to the Rule 6 letter a number of times during the morning and so it may be helpful to have a copy to hand if possible. In addition, **KG** pointed out that the agenda was being projected onto the screen beside him.

Notes of the meeting are being made and will similarly be available on the project website.

**KG** stated that if any individual or group wishes to use social media, report, film or record during the meeting or any subsequent Hearing, then they are free to do so, but they should do so responsibly and with proper consideration for other parties. **KG** pointed out that this must not be disruptive, and the material must not be misused. He went on to say that the only official record of the proceedings are the notes and the audio recording that are to be placed on the project website. Tweets, blogs and similar communications arising out of the meeting will not be accepted as evidence in the examination of this application.

**KG** advised that the purpose of the PM is to focus on the way in which this application is examined and the procedural aspects of this examination. Therefore, the merits will only be considered once the examination of the application begins, which follows the close of the PM. The Examination of the application will therefore formally start the same afternoon at 2.00pm with the first Issue Specific Hearing.

**KG** stated his intention to manage the meeting with efficiency and fairness, allowing anyone who wishes to have their say as long as it is relevant and to inform him of all he needs to know at this stage. However, **KG** stated that he will endeavor to ensure that all contributions are as to the point and focused as possible to make the best use of the time available and allow everyone who wishes to speak the opportunity to do so and to ask questions about the process.

As the ExA, **KG** will consider the application and all representations, and investigate matters which he thinks are important and relevant to the report; within the next six months. After that he will have three months to report to the SoS for Transport with

his conclusions and recommendation as to whether consent should be given. The Secretary of State for Transport will take the final decision.

**KG** emphasised that he has taken no decisions yet about the application's merits but has read the application documents and all Relevant Representations. **KG** advised that he undertook an unaccompanied site inspection of the area on 12 August 2019 in order to familiarized himself with elements of the application. A note of his inspection will be published on the project website.

**KG** stated that the Rule 6 letter also contained a number of Annexes including the agenda for the day's meeting at Annex A and the draft Examination timetable at Annex C which will be discussed further.

The Rule 6 letter was sent to:

- The Applicant;
- Local authorities in the area;
- Bodies that are statutory parties;
- Persons who have submitted a Relevant Representation and, thus, become an Interested Party; or
- A combination of these categories.

**KG** asked attendees to introduce themselves.

**Tom Henderson (TH)** (Solicitor & Partner at Bircham Dyson Bell Pitmans) - legal advisors for the Applicant.

Also present for Applicant:

**Chris Ruta (CR)** – Jacobs

**Mustafa Latif Aramesh** – BDB Pitmans

**Joanna Purkis** – BDB Pitmans

**Tom Howard** – Senior Project Manager (Highways England)

**Michael Robinson** – Delta Solutions – EIA Advisor

**Andy Pearce** - Jacobs

**Ben Wade** – Costain

**Tom Place** – Highways England

**Paul Muir (PM), Toni Sambridge (TS), Jennifer Atkins (JA)** and **Mark Jackson (MJ)** from Sunderland City Council.

**Trevor Male (TM)** from South Tyneside Council.

**Katie Rumble (KR)** and **Neil Westwick (NW)** representing Hellens Land Ltd.

**Gerald Hall (GH)** representing Mable Hill.

**Mark Reynolds (MR)** representing IAMP LLP.

## **Agenda Item 2: Remarks about the Examination Process**

**KG** outlined the essential features of the Examination process and advised that the purpose of the Examination is to enable the Examining Authority to make a recommendation to the Secretary of State for Transport as to whether this proposal should receive consent in the form of a Development Consent Order (DCO) under the Planning Act 2008 (PA 2008).

**KG** stated that the PA 2008 has brought in a distinct regime for the consideration of proposed Nationally Significant Infrastructure Projects (NSIPs); Section 87 of which states that it is for the Examining Authority to decide how to examine the application.

As the Examining Authority **KG** intends to examine the application having regard to a number of key principles namely:

- i) Independence and Impartiality;
- ii) Rigour;
- iii) A focus on evidence and justification;
- iv) Openness;
- v) Fairness; and
- vi) Timeliness.

**KG** then took the opportunity to describe these points further:

- i) Independence and impartiality

**KG** outlined how Examining Inspectors are employed by the Planning Inspectorate, which is an Executive Agency sponsored by the Ministry of Housing, Communities and Local Government and the Welsh Government.

**KG** went on to explain that for the examination of an NSIP, the Examining Authority (ExA) produces an independent and impartial report with a recommendation to the relevant Secretary of State. The recommendation that will be made will be based on the evidence before the ExA that he has seen and read. The recommendation will either be that the Order should be made, with or without change (that is, that development should be granted), or that the Order should not be made (that is, that it should be refused), with reasons provided.

**KG** stated that whatever recommendation is ultimately made, it is the Secretary of State for Transport who makes the decision on the application, not the ExA. The Secretary of State is not bound to accept the recommendation of the ExA. So, in the circumstances that it were to be recommended that the Order should not be made, it is nonetheless incumbent upon the ExA to prepare a draft Development Consent Order for the Secretary of State should he decide not to accept the recommendation.

- ii) Rigour

**KG** explained that NSIPs are underpinned by an inquisitorial rather than an adversarial system, in which the ExA takes the lead in establishing what is important and relevant to the decision which the Secretary of State needs to take. So, the ExA will be looking for evidence of what is important and relevant, and testing the evidence put forward to see how robust it is.

**KG** stated that the Examination relies primarily on written evidence. As section 90 of PA 2008 states: 'The Examining Authority's examination of the application is to take the form of written representations about the application'. There is also provision for certain types of hearings, but the central part of the Examination is the written process.

**KG** explained that written evidence is gained through a rigorous process of Interested Parties providing written representations or the ExA asking a wide range of focused questions which require adequate responses and for Interested Parties to comment on the responses of other parties.

In addition, the ExA will ask for specific reports and other information including Local Impact Reports to be prepared by Local Authorities, and matrices prepared initially by the Applicant that are required to produce a Report on the Implications for European Sites (RIES).

**KG** pointed out that with the Rule 8 letter which will be sent out after the day's meeting, the ExA will issue the first round of Written Questions to a range of parties. These questions will draw upon his examination of the application documents and the Relevant Representations made by Interested Parties and Statutory Consultees. The questions will broadly reflect the Initial Assessment of Principal Issues.

**KG** states that there will be a significant number of first round questions. These will be wide ranging – some of them addressed to quite fundamental issues; other addressed to quite detailed points.

**KG** explained that it is possible that Interested Parties and the Applicant in particular, may think that some of the answers are already contained in the documentation that makes up the case. But the ExA needs to make sure that all the issues which might be relevant and important are identified properly and shared, so that they can be tested properly. In these circumstances a greater level of detail maybe requested than that which is included in the documentation so far.

**KG** explained that if a question is asked which covers the same ground as a point which an Interested Party wishes to make in their Written Representation, please ensure that the question is answered in the terms of which it has been asked. The point may still be included in the Written Representation. **KG** requested consistency in responses and advised that submissions should include cross references where appropriate.

**KG** stated that the Rule 8 letter will set a deadline for the receipt of responses to those questions and comments on the Relevant Representations. As they are received, those responses will be put on the Planning Inspectorate project website for everyone to see.

There will then be a further period, also specified in the Rule 8 letter, for any other Interested Party to offer comments to the responses to the questions.

**KG** explained that this may then be followed by a second round of questions and answers, and subsequent comments on those answers. This second round will probe deeper into unanswered points and may address any new points that have emerged.

In addition to these iterations of questions, answers and comments, **KG** pointed out that the ExA may at any time during the Examination seek further information or written comments under either Rule 10(4) or Rule 17 of the Infrastructure Planning (Examination Procedure) Rules.

**KG** stated that there will also be Hearings, but these should be understood as building upon the foundations of the Written Representations, questions and comments. Interested Parties should therefore seek to engage fully throughout the written processes rather than think that they can wait for a particular hearing as their opportunity to influence the proceedings. They should also follow the documentation of evidence as it appears on the project website so that they can see how the Examination is progressing.

**KG** explained that any documentation which any party wishes the ExA to consider will become an Examination document, formally lodged as part of the Examination process and available to all parties for consideration. The essential ways in which a document becomes an Examination document are as follows:

- A Relevant or Written Representation
- An answer to a question from the Examining Authority
- A written summary of an oral case after a hearing.

**KG** explained how hearings take a number of forms:

#### *Open Floor Hearings (OFHs):*

**KG** explained that Open Floor Hearings are for all Interested Parties who wish to have an opportunity to speak generally on the project. It is led from the floor so-to-speak, and IPs will generally have a period of time in which to make a statement or talk on a matter of interest to them. Such a hearing will be held if any Interested Party requests this. If no such request is made, the ExA may choose not to hold an Open Floor Hearing.

The purpose of an Open Floor Hearing is set out in Section 93 of the PA 2008 and is to enable each Interested Party to make oral representations about the application. As such the topics at an Open Floor Hearing are usually wide ranging. Anyone who speaks at an OFH should expect to be questioned by the ExA about their representation.

The draft timetable set out in Annex C of the Rule 6 letter of 12 July, identifies dates by which Interested Parties may give notice of their wish to be heard at an Open Floor Hearing, as well as the provisional dates for such a hearing.

**KG** noted that he had already made a procedural decision to hold an OFH. This OFH was scheduled for the day of the Preliminary Meeting.

#### *Issue Specific Hearings (ISHs):*

**KG** explained that an Issue Specific Hearing may deal with some or all of the key issues that are relevant to the examination of the application and will be held if the ExA decides that they are necessary to ensure adequate examination of the issue in question, or to ensure that an Interested Party has a fair chance to put their case. The process, led by the ExA, will focus on a particular matter and will ask questions of

the Applicant and invite responses particularly from those who have raised such issues in RRs. Importantly, these hearings may include the nature of the scheme itself.

**KG** emphasised that hearings support the written process. So, if he decides not to hold a hearing on a particular issue, this doesn't mean that the issue has no or little importance. It may mean that the information needed has been obtained through the written process and he no longer needs to ask any further questions or obtain additional information at a Hearing. The matter will be fully considered by the ExA in preparing the report and recommendations.

**KG** noted that asking questions (not cross-examination) at any Issue Specific Hearing is at the discretion of the ExA. **KG** stated that he will hear any initial submissions on the point, and he may decide that cross-examination is desirable in a particular hearing even if there have been no submissions on it.

#### *Compulsory Acquisitions Hearings (CAHs):*

**KG** also explained that there are hearings related to an application for compulsory acquisition. As with an OFH, these are held if an affected party requests this. If no such request is made, the ExA may choose not to hold a CA hearing.

**KG** pointed to the Department for Communities and Local Government issued guidance on procedures for the compulsory acquisition of land (September 2013), and encouraged those affected to read this.

#### iii) A focus on evidence and justification

**KG** noted that he will not accept unsubstantiated assertions from any party and any evaluation or assessment must be supported by evidence.

**KG** explained that the PA 2008 allows the ExA to disregard representations if he finds them to be:

- Vexatious or frivolous; or
- Relate to the merits of policy set out in a National Policy Statement, any held views on the content of an NPS, or what an NPS should or should not say.

#### iv) Openness

**KG** explained that on the Planning Inspectorate website, all the examination material related to this application is placed there. The publication of advice prior to the submission of the application (known as s.51 advice as it refers to s.51 of the PA 2008) which is given by the Planning Inspectorate to the Applicant, including notes of meetings and of telephone conversations are also on the website **KG** made clear, such meetings were with Planning Inspectorate staff only, and not the Examining Authority.

**KG** explained that this commitment to openness will continue once the examination starts. He stated that the proper running of the examination demands that all the questions that the ExA put, all the evidence that is provided, all the responses to that evidence and all other material is placed on the website for all to see.

**KG** explained that this aim is supported by the publication of an Examination Library updated at regular intervals to list all the documents that have been submitted to the

Examination and all the documents issued by the Examining Authority. **KG** noted for future reference, all future communication the ExA issues will include the examination library reference and not that used by the Applicant and he encouraged all parties to use the examination library references in their submissions.

v) Fairness

**KG** explained that the procedure for examining applications for major infrastructure projects is designed to give all interested and affected parties an equal right to put forward their views and evidence, and an equal access to all the information related to the application.

**KG** explained that for example, the exception that cross questioning (known as cross-examination in TCPA appeals) will take place at any hearings. Examining inspectors, however, adopt an inquisitorial approach in putting forward written questions and in asking the questions at hearings. It is intended that the examination will be as constructive as possible and will not intimidate anyone taking part.

vi) Timeliness

**KG** noted that the legislation sets an absolute time limit on the examination of this application. The ExA is required to complete the examination by the end of a period of six months beginning with the day after the Preliminary Meeting (by Thursday 13 February 2020).

**KG** noted that the effectiveness of this process depends on all involved meeting the deadlines that are set out in that timetable. Adherence to the timetable is essential for me to examine the application within the statutory timetable. **KG** noted that he actively discourages late submissions and there is no guarantee they will be accepted into the Examination.

**KG** referred to the issue of costs as the Rule 6 letter drew attention to the revised guidance on costs that was issued by the Department of Communities and Local Government in July 2013.

**KG** explained that this guidance sets out general principles for awards of costs in relation to the examination of applications under the PA 2008 and he highlighted the situations where costs may be awarded:

- where the party against whom the award is sought has acted unreasonably, and;
- the unreasonable behavior has caused the party applying for the award of costs to incur unnecessary or wasted expense during the examination.

At this point **KG** asked if there were any questions on the examination process– there was none.

### **Agenda Item 3: Initial Assessment of Principal Issues**

**KG** noted that section 88 of the PA 2008 requires the Examining Authority to make an initial assessment of the principal issues arising from the application. The ExA's initial

Assessment of Principal Issues was circulated as Annex B of the Rule 6 letter of 12 July.

**KG** stated that this list is ordered alphabetically and should not be taken to imply an order of importance.

**KG** explained that he may not ask for information for each of these issues during the Examination and may only do so where there is a question either in writing or at a Hearing. Parties do however have the opportunity to submit more details, if they so wish, in the form of Written Representations in accordance with the timetable.

**KG** explained the list is also not intended to be exclusive and, if any other issues arise which appear to be important and relevant, they will also become part of the Examination.

**KG** explained being invited to speak in the preliminary meeting, he is not looking for submissions on the merits of the scheme – that will form part of the detailed Examination of the application. **KG** instead stated that he is seeking any additional issues which any Interested Party would like to raise which they think might or should affect the structure of the Examination.

At that point **KG** invited submissions on the Initial Assessment of Principal Issues. No comments were raised by the Applicant, councils or any other parties present.

#### **Agenda Item 4: Deadlines for Submission**

**KG** explained that the draft timetable, including the proposals for deadlines for submission and dates reserved for possible Hearings and an accompanied site inspection, are set out in Annex C to the Rule 6 letter.

**KG** took the opportunity to make all Interested Parties aware that at any time, after the last deadline or event, set out in the timetable, he may decide under section 99 of the PA 2008 that the Examination is complete. He explained that this may be before the end of the six-month period which is the statutory period for the completion of the Examination.

**KG** explained in order to achieve an accelerated programme it will be necessary for parties to demonstrate commitment to adhere to the timetable and for submissions to be provided on time. The last event is currently programmed for Tuesday 14 January 2020.

#### Rule 8

**KG** explained that following the close of the Preliminary Meeting, a Rule 8 letter will be issued which will set out the timetable for the examination and the ExA's list of Principal Issues. This will be done as soon as is practicably possible, but with the intention that this will be issued on Tuesday 20 August.

#### Written Representations

**KG** proposed to receive all Written Representations to the application and any summaries if over 1500 words, by Deadline 1 (Item 5) Tuesday 27 August. Any

comments on those written representations received should be made at Deadline 2 (Item 6) which is identified as Tuesday 10 September.

**KG** explained that there had been 12 Relevant Representations received, which have been very helpful in providing a broad response from Interested Parties to the proposed development. **KG** requested comments on those Relevant Representations at Deadline 1 (Item 4), Tuesday 27 August for those who wish to do so.

### Local Impact Reports

**KG** proposed to receive Local Impact Reports from any Local Authorities by Deadline 2 (Item 5) Tuesday 10 September and any comments on Local Impact Reports by Deadline 3 (Item 12) Tuesday 29 October.

### Written Questions

**KG** stated that the Rule 8 letter will also include his Written Questions which identify matters where he is seeking answers from the parties about the application. He noted that these will be issued as soon as practicable following the Preliminary Meeting (and as a working assumption would envisage that being within a week of the PM) and responses to those questions should be provided by Deadline 2 (Item 6).

**KG** explained that these questions will be primarily directed towards the Applicant, but there may well be questions directed towards statutory bodies, the local authorities and others. Therefore, he asked that parties look at the questions in their entirety.

**KG** explained that should any party feel as if they wish to contribute or answer a question that is not primarily directed to them, they are free to do so and they should not feel prevented or inhibited from answering such questions or providing comments on any responses received.

### Responses to ExA's Written Questions

Receive answers to written questions by Deadline 2, (Item 6 on the draft timetable) by...	Tuesday 10 September
Receive any comments on those Written Questions received should be made at Deadline 3 (Item 12) by...	Tuesday 29 October

### Further Written Questions and Responses

Should there be a need to do so, <b>KG</b> proposes to issue further Written Questions, (Item 14) on...	Tuesday 19 November
with responses to those Further Written Questions made by Deadline 5 (Item 15) on ...	Thursday 28 November
and comments on those responses by Deadline 7 (Item 20) by ...	Tuesday 7 January

**KG** invited comments on these deadlines.

**Tom Henderson (TH)** for Applicant suggested that the examination process could be expedited in order to finish before Christmas. **TH** used the A19 / A184 Testos Junction Improvement scheme as an example.

**Paul Muir (PM) (SCC)** explained that SCC and STC were working collaboratively on a Local Impact Report.

**Trevor Male (TM) (STC)** explained that deadline 1 was one day after a bank holiday and suggested moving that deadline back by a day.

**Mark Reynolds (MR) (IAMP)** explained that they support the Applicant 's comments on expediting the examination process.

### **Agenda Item 5: Hearings and Accompanied Site Inspections**

**KG** stated that it is his intention to issue agendas for Hearings on the project website approximately 7 days in advance of the Hearing, to aid preparation for the Hearings for all parties concerned.

#### *Open Floor Hearings*

**KG** explained that the evening of the date of the Preliminary Meeting had been reserved for the first Open Floor Hearing. He explained that he also proposes to receive requests for a second Open Floor Hearing, if requested by Deadline 1, that is Tuesday 27 August, to take place on Tuesday 15 October.

**KG** invited people to make it known if they thought a second Open Floor Hearing was necessary. No parties present spoke on this matter.

#### *Issue Specific Hearings*

**KG** explains that the topics to be covered in Issue Specific Hearings will become clear as the Examination progresses, and the Interested Parties and the Applicant will be notified accordingly.

**KG** stated that he programmed the first Issue Specific Hearing for the afternoon of the date of the Preliminary Meeting and the Agenda is set out at Annex F. He explained that this hearing is to consider the draft Development Consent Order. An agenda for the meeting was attached to the Rule 6 letter as Annex E.

**KG** explained that he has also reserved Wednesday 9 October for an Issue Specific Hearing on the interrelationship of major proposals in the area and environmental matters relating to landscape and visual impacts. Transport matters will also be addressed at that hearing.

**KG** noted that he'll advise in due course, the dates of any Issue Specific Hearings which may be held. It is proposed for the ExA to receive requests to make oral representations at the Issue Specific Hearing by Tuesday 27 August (Deadline 1).

**KG** stated that Tuesday 10 December has been reserved for an Issue Specific Hearing on any outstanding issues if required and Thursday 17 October for a second Hearing into the draft Development Consent Order, if required. He explained that this will be a

follow up to the hearing on the date of the Preliminary Meeting and will address any further matters that have been identified by **KG** after considering the post hearing submissions following the first such hearing. A third ISH into the DCO, if required, is timetabled for Wednesday 11 December.

### *Compulsory Acquisition Hearings*

**KG** explained that the Examination timetable also makes provision for two Compulsory Acquisition Hearings, if requested. These are timetabled for Thursday 17 October and Wednesday 11 December. Notification of a wish to speak at the first CA Hearing should be made by Deadline 1, Tuesday 27 August.

### Site Inspections

**KG** referred to his unaccompanied site inspection on 12 August 2019, to familiarise himself with the area generally and noted that there will be published notes about this inspection shortly.

**KG** also noted that he is proposing to undertake an accompanied site visit on Tuesday 15 October (Item 7). **KG** requested if there are specific places which parties would wish him to visit to make this known by 27 August (Deadline 1) and he will do his best to accommodate these proposals. The itinerary for the site inspection will be published on the project website approximately 1 week before the event.

### Statements of Common Ground (SoCG)

**KG** stated that the deadline for Statements of Common Ground is 27 August (Item 5) (Deadline 1). **KG** noted that he would hope to receive signed versions of all Statements of Common Ground by this date, but anticipates that over the course of the Examination, areas of difference between Interested Parties might be resolved, such that the 'uncommon' ground might then be the identified ground between parties.

**KG** explained the aim of a SoCG is to agree factual information and to inform the ExA and all other parties by identifying where there is agreement and where the differences lie at an early stage in the examination process. It should provide a focus and save time by identifying matters which are not in dispute or need not be the subject of further evidence. It can also usefully state where and why there may be disagreement about the interpretation and relevance of the information. The reasons for the differences and interpretation of the implications of a difference can then be expanded in the evidence.

**KG** explained although he has asked for the first versions of Statements of Common Ground by Deadline 1, he wouldn't anticipate final versions until later in the Examination; unless of course, all matters are agreed and there are no matters at issue between parties.

**KG** requested that the Applicant provides a table which shows the commonality on specific points between SoCG. This table should be updated during the Examination to reflect additional agreement achieved, for reference within the report to the SoS.

**KG** then asked for submissions from Interested Parties present.

**TH** representing the Applicant advised that completed SoCG with Natural England was submitted on 6 August. **KG** confirmed this was received.

**TH** stated that a joint statement was submitted with National Grid on 9 August confirming no issues between the parties and therefore no requirement for SoCG. **KG** confirmed this statement was received.

**TH** stated that Environment Agency requested to the ExA that submission of SoCG is deferred till 30th September. **KG** stated that this request had not been received by the ExA. **TH** explained that there was a draft SoCG, but it wouldn't be able to be submitted by deadline 1. **KG and TH** agreed that a statement explaining the situation would suffice on deadline 1.

**TH** explained that there is a request to defer the SoCG with IAMP LLP until deadline 2. **KG** stated that he was content to receive that SoCG at deadline two.

**PM** for SCC requested that the SoCG submission be aligned with the submission if the LIR. **TH (Applicant), TM (STC) and KG** were content with this approach. **PM** also stated that the SoCG will be jointly created with STC.

### **Agenda Item 6: Procedural Matters**

**KG** outlined procedural decisions under Section 89(3) of the Planning Act 2008 which are set out in full in Annex G of the Rule 6 letter, which he has already made.

#### 1. Issue Specific Hearing into the draft Development Consent Order

**KG** stated he had made a Procedural Decision to commence oral examination of the draft Development Consent Order (dDCO) by holding the first Issue Specific Hearing (ISH1) after the close of the Preliminary Meeting (PM) at 2.00pm on the day of the Preliminary Meeting. Annex D of the Rule 6 letter provides notice of this decision.

#### 2. Open Floor Hearing

**KG** stated that he had made a Procedural Decision to hold an Open Floor Hearing at 6.30pm on the day of the Preliminary Hearing, with Annex D also providing the appropriate notice of that decision.

#### 3. Deadline for comments on Relevant Representations

**KG** stated that he had made a Procedural Decision to seek comments on Relevant Representations (RR) by Tuesday 27 August which is Deadline 1. The RRs were published on 24 April 2019 and **KG** explained that that leaves sufficient time for them to have been read and responded to by that deadline.

#### 4. Deadline for submission of Written Representations

**KG** stated that he had made a fourth Procedural Decision is to seek Written Representations by Tuesday 27 August (Deadline 1). **KG** explains that Written Representations provide Interested Parties with the opportunity to amplify and provide evidence for the matters set out in their RRs.

**KG** noted references to the date of the rule 6 letter as 9th July, however, this should be 12th July. **KG** noted that this does not have any effect on his procedural decision. **KG** explained that by providing early notice, he is ensuring that all IPs will have a reasonable time period in which to draft their WRs, before the deadline for submission.

#### 5. Deadline for summaries of Representations

**KG** stated that he had made Procedural Decisions (3) and (4) to also seek the early submission of summaries relating to RRs and WRs exceeding 1500 words. **KG** explained that it is normal for ExAs to request that summaries are provided of RRs, comments to RRs and WRs, where these original representations exceed 1500 words in length. Therefore, **KG** stated that he has made a Procedural Decision to request the submission of summaries by Deadline 1.

#### 6. Notification by Statutory Parties, or certain Local Authorities of their wish to be considered as an Interested Party

**KG** stated that he had made a procedural decision that, in order to facilitate a timely start to the examination, Statutory Parties and certain Local Authorities must have decided whether they wished to be considered as an IP and notified the Planning Inspectorate of their decision by Deadline 1.

#### 7. Accompanied Site Inspection – Nominations, Requests and intent to attend

**KG** also explained that the Applicant, IPs and other persons have an opportunity to provide comments to him on the approach that he should take to site inspections and to nominate sites that he should inspect, the features that he should observe there, and whether the inspection should be on an accompanied or an unaccompanied basis, by Tuesday 27 August. Further detail on this matter is provided in Annex G.

#### 8. Statements of Common Ground

**KG** explained that the examination will be assisted by the preparation of Statements of Common Ground between the Applicant and certain IPs. **KG** stated that the draft timetable for the Examination provides a deadline for submission of these Statements. This is Tuesday, 27 August, being Deadline 1. However, **KG** mentioned the amended dates already agreed.

**KG** explained that the SoCG's requested to be prepared by the Applicant and the following as in Annex R include:

- South Tyneside Council
- Sunderland City Council
- Natural England
- The Environment Agency
- IAMP Ltd (the International Advanced Manufacturing Park) and
- National Grid Electricity Transmission PLC and National Grid Gas.

**KG** noted that the National Grid SoCG situation has already been commented on.

**KG** explained that following the acceptance of the application, the Applicant submitted correspondence on 5 March to the Planning Inspectorate in response to the s51 advice issued on 22 February. These are described in Annex G of the Rule 6 letter.

The letter provided by the Applicant outlines the revised documents submitted in response to the matters raised in advice issued by the Planning Inspectorate. **KG** noted that he had made a Procedural Decision to accept the documentation, which has now been published to the project page of the National Infrastructure Planning website. These documents are referenced [AS-001] to [AS-002] in the Examination Library (AS standing for Additional Submissions).

**KG** noted that in Annex G he had made a Procedural Decision to accept letters from South Tyneside Council [AS-007] and Sunderland City Council [AS-008] responding to a letter from the Applicant of 1 March notifying them that the application had been accepted for Examination.

**KG** explained that both Historic England and North Tyneside Council responded to the Rule 6 letter and he accepted those documents as [AS-013] and [AS-014]. **KG** also noted that he had issued a Rule 9 letter concerning the notification of the hearing arrangements which is also available on the website for those who are interested.

**KG** stated that the Applicant also submitted further documentation on 24 July in response to the Rule 6 letter. **KG** noted that the documentation also included a change, which was a variation to non-motorized user (NMU) provision.

**KG** noted that he had not yet made a procedural decision on this and invited the Applicant to clarify what the alternative is.

**TH** explained that with a DCO by IAMP LLP coming forward there are interface issues. **TH** explained that they had suggested an NMU bridge over the A19 in a 'no IAMP World'. However, if the IAMP LLP proposal is consented then a road bridge (over Washington Road) proposed in that scheme will negate the need for the NMU bridge in this scheme. **TH** explained that there was a public interest benefit in having a single-solution.

**TH** noted that they submitted an addendum to the Environment Statement which reports on the effects of the combined solution. There is also proposed amendments to the dDCO which would give legal effect.

**KG** noted that the addendum of the Environment Statement (ES) looks at the comparisons from the original proposal not the situation as it is now. **KG** asked whether the addendum should not cover the comparisons between now and the joint proposal. **MR** (EIA advisor) stated that the addendum looked at if there were any material changes to the assessment that was made in the original ES with the new proposal.

**KG** stated that said the submission said that consultees were supportive but there was not the evidence submitted showing this. **TH** noted that this happened in a meeting, and they would look at how this information can be obtained.

**KG** asked the councils if they had any comments to make. **PM** stated that SCC were aware of the proposal but had no comment at this stage.

**KG** asked the Applicant if they were looking to extend the order land (move the red-line boundary). **TH** stated that there would be no change to the order limits.

**KG** therefore asked if this meant any land ownership issues would be looked at in the IAMP scheme. **TH** stated that this is this case.

**TH** noted that the letter of 24<sup>th</sup> July states why the Applicant believes this procedural decision should be taken to accept this, stating again that they believe it is in the public's interest.

**KG** asked if there were any comments on the change proposal – there were none.

### **Agenda Item 6: Any Other Business**

**KG** asked if there were any other matters which the Applicant or other Interested Parties wished to raise.

TH explained that a number of Rule 6 letters were returned to sender. He stated that there were six letters five of which are being re-served, and one where the Applicant is making inquiries about land ownership. **KG** and **TH** agreed that the Applicant would keep **KG** updated on this matter.

There were no comments from Local Authorities.

**KG** thanked everyone for their attendance and engagement. **KG** mentioned that the Rule 8 letter would be sent out as soon as possible which will confirm the timetable and any other procedural decisions that may be taken as a result of the day's discussion.

The Examination of the application itself will commence at 2.00pm on the date of the Preliminary Hearing with the Issue Specific Hearing into the draft DCO.

**KG** closed the Preliminary Meeting at 11:18.