



# Preliminary Meeting Note

## Summary of key points discussed and advice given

**Application:** A303 Amesbury to Berwick Down

**Reference:** TR010025

**Time and date:** 10.00am, 2 April 2019

**Venue:** Salisbury Racecourse, Netherhampton, Salisbury, Wiltshire, SP2 8PN

*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.*

In attendance from the Planning Inspectorate (the Inspectorate):

- Wendy McKay (Examining Authority)
- Alan Novitzky (Examining Authority)
- David Richards (Examining Authority)
- Ken Taylor (Examining Authority)
- Edwin Maund (Examining Authority)
- Richard Price (National Infrastructure Case Manager)
- Hefin Jones (National Infrastructure Case Manager)
- Peter Rickett (Senior Communications Officer)
- James Bunten (Case Officer)
- Paige Hall (Assistant Case Officer)

## 1. Welcome and introductions

**Wendy McKay (WM)** opened the meeting at 10.00am, introducing herself as the lead member of the Examining Authority (ExA) appointed by the Secretary of State for Housing, Communities and Local Government to examine the application made by Highways England (the Applicant) for an order granting development consent for the A303 Amesbury to Berwick Down. The other members of the ExA introduced themselves: **Alan Novitzky (AN)**; **David Richards (DR)**; **Ken Taylor (KT)**; and **Edwin Maund (EM)**.

**WM** introduced **Richard Price (RP)** (Case Manager), **Hefin Jones** (Case Manager) **James Bunten** (Case Officer), **Paige Hall** (Assistant Case Officer) and **Peter Rickett (PR)** (Senior Communications Officer). A note of the meeting would be published on the National Infrastructure Planning website as soon as practicable following the Preliminary Meeting.

**WM** explained that discussion at the meeting would be led by the agenda at Annex A to the Rule 6 letter dated 4 March 2019<sup>1</sup>. The meeting provided the opportunity for persons present to influence the way in which the Examination would proceed.

**WM** gave housekeeping instructions including emergency arrangements and general facilities details for the venue.

## **2. Participation at Examination events and the public record**

**WM** explained that a digital audio recording of the Preliminary Meeting and subsequent hearings would be taken and made available on the project page of the National Infrastructure Planning website and retained for the public record. This was so that any Interested Party (IP) that had not attended an event, or any member of the public interested in the Examination, could find out what had happened.

**WM** outlined the Inspectorate's duty to comply with the General Data Protection Regulation (GDPR). Persons present who intended to record, photograph, tweet or film the proceedings were asked to identify themselves and were reminded that in doing so they took personal responsibility for their own actions in respect of the GDPR. Attendees who did not wish to be photographed or filmed were asked to identify themselves, and **WM** asked for persons filming or taking photographs to respect the wishes of those attendees.

**WM** established that the only official record of the days' proceedings were the Inspectorate's note of the meeting and the audio recording taken. **WM** enquired as to whether anyone present represented the press and directed them to the Inspectorate's press officer, **PR**.

**WM** emphasised that the purpose of the Preliminary Meeting was to assist the ExA in determining how the application should be examined by discussing such matters as the hearings which needed to be held and the overall timetable for events and written submissions. No evidence in respect of the merits of the Proposed Development would be heard. **WM** noted that if persons present wished to ask any questions about the Examination outside the scope of the meeting, then they should seek advice from **RP**. In the interests of openness, fairness and impartiality the ExA could not be approached or spoken to outside of the meeting.

## **3. Introduction of attendees**

**WM** invited those attendees who intended to participate in the meeting to introduce themselves. Reuben Taylor (**RT**) introduced himself as Queen's Counsel instructed by Highways England (**HE**). **Paul Brown (PB)** introduced himself as Queen's Counsel instructed by Wiltshire Council (**WC**). **Beth Harries (BH)** introduced herself and her colleagues **Dr Helen Woodhouse (HW)** and **Henry Owen-John (HOW)** as representatives of Historic England (HiE). **Mike Holm (MH)** introduced himself and **Kathryn Burt (KB)** as representatives of the Environment Agency. **Patrick Robinson (PR)** of Burges Salmon solicitors introduced himself as representing the National Trust, alongside **Philip Morris (PM)** and **Nick Simms (NS)**.

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<sup>1</sup> Available here: <https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/projects/TR010025/TR010025-000511-190304%20TR010025%20Rule%206%20letter%20-%20Cover%20FINAL.pdf>

**Kate Fielden (KF)** introduced herself on behalf of The Stonehenge Alliance (SHA). **Andrew Rhind-Tutt (ART)** introduced himself on behalf of the Amesbury Museum and Heritage Trust (AMHT). **Ned Westaway (NW)** introduced himself as a representative of the Trail Riders Fellowship Ltd (TRF), accompanied by **Alan Kind** and **John Vannuffel**. **Brian Edwards (BE)** introduced himself on behalf of The Amesbury Society (TAS). **Mark Bush (MB)** introduced himself as representing a consortium of senior archaeologists and the Blick Mead excavation team (BMET). **Arthur Pendragon (AP)** introduced himself as representing a number of Druid Orders. **Louise Staples (LS)** introduced herself on behalf of the National Farmers Union (NFU), representing a number of affected landowners. **Barry Garwood (BG)** introduced himself as an Interested Party.

#### **4. The Examining Authority's remarks about the examination process**

**AN** explained the principles underpinning the Examination process and the purpose of the Preliminary Meeting. **AN** explained that the relevant legislation for the Examination was the Planning Act 2008 (PA2008), which sets a statutory time limit of six months for the examination of applications for development consent. The Examination stage is followed by a statutory three-month period within which the ExA must produce its report and recommendations to the Secretary of State for Transport (SoST). The SoST has a further three months to take its decision.

**AN** advised that in considering whether development consent should be granted, the ExA would also need to decide whether Compulsory Acquisition powers could be justified, and with respect to both of these elements, how any Development Consent Order (DCO) should be drafted. **NA** noted that the ExA would still be required to put forward what it considered to be the most appropriate DCO even if it recommended against granting development consent. This would safeguard the eventuality that the SoST went against that ExA's recommendation.

**AN** stated that the relevant National Policy Statement (NPS) for deciding the application was the NPS for National Networks. **AN** explained the methods through which the ExA can examine the application: written evidence, site inspections (unaccompanied and accompanied) and hearings, emphasising the primacy of written evidence which could be supported, where required, by hearings. It was very important for all parties to set out their cases in Written Representations and not rely upon the potential for hearings to be held.

**AN** highlighted that Annex C of the ExA's Rule 6 letter set out periods of time reserved for hearings and Accompanied Site Inspections to take place. If Interested Parties believed there was need for an Issue Specific Hearing (ISH) to be held on a particular topic, they should put their case to the ExA. Not holding a hearing on a particular issue did not mean that that issue would not be fully considered within the Examination.

**AN** confirmed that the ExA would issue its Rule 8 letter as soon as practicable after the meeting, which would set out the finalised Examination Timetable and other Procedural Decisions. All representations made at the Preliminary Meeting would be considered by the ExA and taken into account when preparing the Rule 8 letter.

**AN** summarised the process for applications for awards of costs and drew attention to the guidance on costs issued by the former DCLG in 2013<sup>2</sup>.

## **5. The Initial Assessment of Principal Issues**

**KT** explained that the Initial Assessment of Principal Issues (IAPIs), set out at Annex B to the ExA's Rule 6 letter, were broadly defined following the ExA's initial assessment of the application documents and Relevant Representations. The list was not intended to be exhaustive or definitive. All evidence brought before the ExA would be given due consideration.

**KT** advised that the Preliminary Meeting provided an opportunity for Interested Parties to raise additional issues of principal or policy relating to the application which they thought might or should affect the structure of the Examination and invited comments from attendees.

**PB** advised that WC had four points to raise with regard to the ExA's IAPIs:

- Issue 6 - Draft Development Consent Order – in WC's opinion bullet point three should include 'traffic monitoring and mitigation', 'cultural heritage', 'ecology', 'landscape', 'light nuisance', 'private water supplies' and 'land contamination';
- Issue 7 - Flood Risk, groundwater protection, geology and land contamination – in WC's opinion. A new, freestanding issue on 'Alternatives' should be added that includes matters that are likely to be affected by alternative approaches and different routes;
- Issue 10 – Landscape and visual effects and design – in WC's opinion bullet point three's 'loss of public views of Stonehenge' should be moved or duplicated to Issue 12 – Socio-Economic Effects – under bullet point two; and
- Issue 13 – Traffic and Transport, Sustainable transport – WC sought clarification about the implications of there being no alternative link road, as referred to in bullet point seven.

**KF** outlined the concerns that the SHA wished to expand upon through written submissions, which included: Policy and legal considerations; noise and vibration with regards to impacts on archaeological remains during construction and operation; consultation and promotion; traffic and transportation and decommissioning/ lifetime of the tunnel. **WM** advised that the Inspectorate had already taken its decision on the adequacy of the Applicant's Pre-application consultation in accepting the application for examination, and its adequacy could not be revisited in the course of the Examination. **WM** explained that the legal background was already built into the framework in which the ExA would examine and report on the application and therefore did not need to be included as an explicit Principal Issue. However, the SHA were not precluded from making representations about the legal background. **RT** for the Applicant requested that the SHA submit its legal submissions as early as possible in the Examination to ensure any matters raised could be fully addressed. **KF** confirmed the SHA would include them in its Written Representation.

**BE** for TAS referenced a suite of reports that the Applicant had yet to be put into the public domain. **RT** for the Applicant explained that the suite of documents, which

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<sup>2</sup> Available here: <https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/guidance/>

included a Draft Detailed Archaeological Management Strategy (DAMS), were due to be made available soon. **WB** requested that those documents were formally submitted to the Examination. **BE** for TAS also requested for the National Trust's visitor survey to be submitted. **RT** confirmed that the Applicant would respond to that request in writing.

**NW** for the TRF highlighted the impacts on byways specifically noted under Issue 13 - Traffic and Transportation, Sustainable transport - and requested the details of the original alternative link to be included in the Examination. **NW** noted previous legal submissions made with regards to s136 of the PA2008. **RT** confirmed that the Applicant would be responding to those legal submissions when it submitted its comments on the Relevant Representations.

David Jacques (**DJ**), the Blick Mead excavation team project director, stated that hydrological reports for Blick Mead were also outstanding.

**HOW** for HiE summarised how the relevant Principal Issues under Issue 3 – Alternatives – and Issue 9 - Heritage and historic environment – which referenced the UNESCO/ ICOMOS Final Report should be redrafted to refer to the 2017 and 2018 decisions made by the World Heritage Committee alongside the Final Report.

**AP** highlighted the importance of the spiritual significance of Stonehenge and the effects of the Proposed Development on the ability for individuals and groups to practice religion. **WM** explained that that issue would be captured by Issue 12 – Socio-Economic Effects – but to clarify the matter the ExA would revisit how the Principal Issue was drafted.

**LS** for the NFU raised two concerns relating to effects on byways and rights of way and how those would impact land owners and the effects on groundwater and abstraction. **WM** noted those effects would be captured by Issue 7 - Flood risk, groundwater protection, geology and land contamination.

**Chris Gillham (CG)** requested that climate change and non-road alternatives were included as explicit Principal Issues.

**BG** requested that the full definition of 'outstanding universal value' was examined.

## **6. Examination Timetable**

**WM** referred to the draft Examination Timetable set out in Annex C of the Rule 6 letter and invited **EM** to lead on the agenda item.

### *Written Representations*

Having received written correspondence from WC in advance of the Preliminary Meeting, **EM** invited the Council to set out its concerns relating the deadline for Written Representations. **PB** for WC explained that due to the Applicant's outstanding revised environmental information the Council may be unable to submit Written Representations for the proposed date and requested the date be pushed back. This would then impact the deadline for comments on WR, which would in turn need to be pushed back.

**PB** highlighted a potential anomaly in Deadline 8 for 'Written summaries of oral submissions put at hearings between 13 and 16 August 2019'. **WM** confirmed it was an anomaly and that the dates should have been '27 to 30 August 2019'. This would be corrected in the finalised Examination Timetable. **PB** also queried whether there should be provision in the Examination Timetable for the submission of any s106 agreements and/ or Planning Performance Agreements (PPA). **RT** for the Applicant confirmed that discussions were continuing about whether a s106 agreement would be suitable and therefore did not anticipate the need for a deadline in the Examination Timetable at that stage.

**RT** for the Applicant refuted WC's implication that there was outstanding revised environmental information and requested that the deadline for Written Representations not be pushed back. **RT** stated that the outstanding documents only related to archaeology (including the DAMS) and water monitoring which did not form part of any revised Environmental Statement chapters. **WM** requested that the Applicant confirm when the outstanding documentation would be submitted. **RT** confirmed that the additional archaeological information would be made available for 12 April 2019, and the water reports, including monitoring data for Blick Mead, would be made available immediately. **RT** acknowledged that the Applicant was still in discussion with WC and the Environment Agency with regards to the updated Flood Risk Assessment (FRA) and anticipated submission for Deadline 2.

**EM** invited comments on the outstanding water reports and FRA from the Environment Agency. **MH** for the Environment Agency noted that comments on the Groundwater Risk Assessment would be returned to the Applicant in the following few weeks. Comments on the updated FRA would be provided at the end of April 2019/ early May 2019 due to the delay in receiving it.

**RT** for the Applicant explained why the draft DAMS had only recently been shared with HiE. **EM** invited comments from HiE on the outstanding DAMS. **HW** for HiE confirmed that it had seen an initial draft of the DAMS and had provided initial comments to the Applicant. Further discussion was to continue. The Applicant stated that the DAMS was awaiting comment from the Heritage Monitoring Advisory Group (HMAGS) and the Scientific Committee, who were to meet on April 17th, and that the DAMS would be submitted to the Examination at Deadline 2. **AN** noted that the ExA would add a deadline later in the Examination Timetable submission of the final, agreed DAMS.

**KF** advised that the SHA had concerns that due to outstanding documents, it would struggle to prepare a comprehensive Written Representation and therefore also requested that the deadline was pushed back. **RT** confirmed that the Applicant would respond to the SHA in writing in relation to outstanding documentation requested.

**DJ** queried what would be submitted by the Applicant in respect of the outstanding work at Blick Mead. **RT** for the Applicant confirmed it would be submitting a report setting out the results of water monitoring at Blick Mead.

**EM** requested that the Applicant to submit a document at Deadline 1 setting out the progress made on the various commitments agreed at the Preliminary Meeting.

## *Examining Authority's Written Questions*

**KT** requested that the Applicant and IPs submit full and informative answers to the ExA's written questions within the proposed timescales. **KT** explained that the ExA would endeavour to make the questions as clear as possible. The ExA's expectation was that all parties would act reasonably in answering all questions in a timely manner.

## *Local Impact Reports*

**EM** explained that Local Impact Reports (LIR) were defined by s60(3) of the PA2008 as "a report in writing giving details of the likely impact of the proposed development on the authority's area (or any part of that area)". The Inspectorate's Advice Note 1<sup>3</sup> gave guidance on their content. In coming to a decision, the SoST must have regard to any LIRs that are submitted.

**EM** requested an update from WC on the preparation of its LIR. **PB** for WC advised that its LIR was well advanced and on track to be submitted for Deadline 1.

## *Statements of Common Ground*

**DR** explained that the purpose of Statements of Common Ground (SoCGs) was to help ensure that examinations focus on the material differences between the main parties, which led to a better and more efficient Examination process.

**DR** referred to Annex E to the ExA's Rule 6 letter which included a list of the initial SoCGs that been requested by the ExA and summarised the list of topic areas that, where relevant, may usefully be covered by those SoCGs. **DR** emphasised that those topic areas were indicative and should not be taken to preclude any other matters parties may consider important and relevant to the Examination.

**DR** advised that the provision of a SoCG did not mean that the ExA would not examine the issues covered within it further, as the ExA's duty was to ensure that all aspects of any given issue were explored thoroughly. The real value of SoCGs was generally in identifying the points that were still at issue between parties, or the 'uncommon ground'. **DR** asked for the content of any SoCGs to be cross-referenced when answering the ExA's written questions to avoid duplication of evidence.

**DR** explained that the deadline for receipt of initial SoCGs was currently Deadline 2 and noted that in order to achieve this deadline, timely responses and collaboration between parties would be necessary. The information available at Deadline 2 should be submitted with work continuing to seek confirmation of agreed information and areas of dispute with reasoning.

**DR** set out that progressed SoCGs were currently timetabled to be submitted at Deadline 3 and highlighted that parties should review the relevant costs guidance to ensure that SoCGs were prepared by all involved in a positive and constructive manner.

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<sup>3</sup> Available here: <https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/2013/04/Advice-note-1v2.pdf>

**WM** noted that in previous correspondence **MB** had already raised concerns regarding the time allocated to ISHs and suggested that the BMET may wish to enter into a SoCG with the Applicant to identify common ground. Specific matters in which agreement could not be met could then be examined at an ISH, where appropriate. **MB** explained that due to uncertainty regarding the availability of outstanding archaeological data, there may not be the required time to progress a SoCG by Deadline 2.

**DR** requested that the SHA identified the preliminary areas of agreement/disagreement for an initial SoCG in view of submitting a final SoCG later in the Examination. **KF** for SHA explained that due to its ongoing objection to the Proposed Development, and the currently outstanding documentation, it would be difficult to commit to providing a SoCG for the proposed deadline.

**DR** requested an update from the Applicant with regards to progress on the suite of SoCGs listed in Annex E to the Rule 6 letter. **RT** for the Applicant summarised ongoing progress on the SoCGs and confirmed that, at the time of contact, both the SHA and Amesbury Town Council (ATC) had stated they had no intention of entering into SoCGs with the Applicant. **RT** confirmed that the Applicant was still content to enter into SoCGs with the BMET, the SHA and ATC.

**NW** for the TRF welcomed the opportunity to enter into a SoCG with the Applicant. **DJ** referenced previous discussions and areas of agreement with the Applicant in that respect.

**DR** explained that the ExA could not force parties to enter into SoCGs. Entering into a SoCG was not compulsory however participation in SoCGs was encouraged by the ExA because of their value to the Examination process.

Rachel Hossier (**RH**) queried whether the position statements between the Applicant and affected landowners should be submitted as a SoCG. **RT** for the Applicant clarified that position statements were private agreements and were different to SoCGs. **WM** acknowledged that such position statements would likely contain sensitive information which landowners might not want in the public domain. The ExA would not request to see statements unless parties wished to submit them as part of their Written Representations.

#### *Hearing notifications*

**EM** explained that if parties wished to speak at either an Open Floor Hearing (OFH) or a Compulsory Acquisition Hearing (CAH) then they should submit their request in writing by Deadline 1.

**EM** confirmed that if the ExA received one or more requests to speak at a CAH from an Affected Persons by the deadline, a CAH must be held as part of the Examination.

**EM** noted that the ExA intended to provide with its notification of any hearings a broad indication of matters it would like to receive evidence about. Detailed agendas for the hearings would be made available on the project page of the National Infrastructure Planning website a week before they took place. **PB** for WC queried whether a document containing the issues raised at Relevant Representations and the responses to the ExA's written questions would be prepared for each hearing session



to assist in respect of structure. **WM** advised that the detailed agenda would be the only document published before each hearing.

**EM** noted that the ExA's Rule 8 letter would include the formal notification of the date, time and place of OFHs which would be held in May. The notification for the events scheduled for June and July would be issued on 7 May 2019. **EM** invited queries on the proposed hearing notification dates.

**RT** for the Applicant acknowledged its statutory duty to publish hearing notices no less than 21 days prior to an event and requested that the ExA issued its notification for the June events no later than 29 April 2019 and for the August events no later than 22 July 2019.

#### *The Applicant's response to the Planning Inspectorate's s51 advice*

**WM** explained that Deadline 1 included provision for IPs to respond to the Applicant's response to the Inspectorate's s51 advice issued in conjunction with the decision to accept the application for Examination.

#### *Other Examination Timetable matters*

**WM** explained that prior to the Preliminary Meeting the ExA had received various correspondence in writing in respect of the structure of the Examination Timetable. **RT** for the Applicant queried the time at which each deadline closed. **WM** confirmed the deadline was the end of the day - 11:59pm.

**WM** noted the discrepancy in the draft timetable at row 21 - the dates for issue of the Report on the Implications for European Sites (RIES) and the ExA's DCO did not match those in row 19. The date in row 21 should have been 4 September 2019. The error would be corrected in the finalised Examination Timetable.

**WM** noted a request to include in Deadline 8 provision for any written confirmation required from the Crown in relation to s135 of the PA2008 to be submitted. **RT** confirmed that the Applicant agreed with that inclusion.

**CG** queried whether there was a deadline for the issuing of the ExA's First Written Questions (FWQs). **WM** advised that the ExA's FWQs would be published alongside the ExA's Rule 8 letter as soon as practicable following the Preliminary Meeting.

#### *Examining Authority's Procedural Decisions*

**WM** drew attention to the Procedural Decisions taken by the ExA set out at Annex E to the Rule 6 letter. The ExA had requested a number of other documents to be submitted at Deadline 2. **AN** listed the requested documents set out in Annex E and included the following additional documents:

- Guidelines for Landscape and Visual Impact Assessment (3<sup>rd</sup> edition) (GLVIA3).
- Highways England Interim Advice Note 135.10.

**AN** noted that a request for additional photomontages would be set out in the ExA's FWQs.

**AN** noted that the SHA had requested full copies of Examination Documents APP157 and APP255 which, due to containing sensitive bird population data, had not been published on the National Infrastructure Planning website. Unredacted versions were only provided to parties who had a legitimate need to view the information. **AN** invited the SHA to elaborate as to why it needed to view these documents. **KF** explained that the SHA would be submitting Written Representations on biodiversity and that its relevant expert would benefit from sight of the redacted documents. **KF** suggested releasing partially redacted versions that included species data but not specific nesting sites. **RT** for the Applicant advised it would consider releasing partially redacted versions.

Ruth Manvell (**RM**) for the Great Bustard Group (GBG) noted it had also requested the Applicant's bird data and received no response. **RM** noted that the GBG had not been contacted to provide any data on Bustards. **RT** for the Applicant advised that its ecologist had been out on site with the GBG and explained that it would revisit the GBG's request to see the bird data. **AN** requested that the Applicant provide an update on the dialogue with the SHA and GBG with regards to the release the requested documentation for Deadline 1. **RT** confirmed that the Applicant would do so.

**CG** expressed his opinion that photomontages were not representative for road schemes and suggested video montages were more appropriate. **AN** acknowledged that the ExA was aware of the limitations of photomontages and noted that the Applicant's 360-degree computer generated imagery would be requested as part of the ExA's FWQs. **KF** for the SHA queried whether it could suggest certain photomontages for the ExA to request. **AN** noted that photomontage suggestions should be submitted as soon as possible for the ExA to consider before its FWQs were published.

Andrew Shuttleworth (**AS**) stated that all computer-based models used by the Applicant must be fully validated and verified before they can be legally used for a scheme. **AS** suggested that a document setting out how the Applicant's models had been validated and verified should be requested. **RT** for the Applicant confirmed a response would be provided for Deadline 1.

**ART** for AMHT noted that when Stonehenge was gifted to the nation by Sir Cecil Chubb in 1918, its deeds contained restrictive covenants. **ART** queried whether those deeds had been submitted to the Examination. **RT** for the Applicant confirmed a response would be provided for Deadline 1.

**KF** for the SHA stated that no specific detail had been given on haul routes for the Proposed Development. **RT** for the Applicant explained that specific haul routes had not yet been committed to and signposted where information on likely haul routes was included in the application documents. **MB** for BMET noted the potential for damage to subsurface archaeology and asked if specific haul routes were to be surveyed in another programme and if so, when they could be commented on. **RT** for the Applicant confirmed a response would be submitted for Deadline 1.

Kate Freeman (**KFr**) queried whether new evidence provided by the Applicant during the Examination needed to be consulted upon prior to submission. **AN** advised that new evidence that refined or developed the Proposed Development could be responded to in writing by IPs to relevant deadlines in the Examination Timetable.

Graham Parker (**GP**) summarised an alternative scheme that proposed to realign the A303 and queried whether the ExA had seen the report prepared in respect of that scheme. **WM** advised that it had not been submitted with the application. **GP** should submit the report himself if he wished the ExA to consider it in the context of the Examination. **RT** for the Applicant stated that the application documents had fully considered and assessed all alternative routes as part of its Environmental Assessment, but would look into the relevance of the alternative referred to by **GP**.

#### *Accompanied and Unaccompanied Site Inspections*

**AN** explained that The Infrastructure Planning (Examination Procedure) Rules 2010<sup>4</sup> enabled the ExA to make Unaccompanied Site Inspections (USIs) before or during the Examination without giving notice to IP. **AN** explained that the ExA had already carried out a joint USI<sup>5</sup> and that **AN** and **DR** had carried out USIs on an individual basis. Notes of these USIs would be made available on the National Infrastructure Planning website.

**AN** explained that Accompanied Site Inspections (ASIs) provided the opportunity for the ExA to visit locations which could not be seen from a public viewpoint in the company of IPs. In the course of an ASI IPs could point out to the ExA physical features relating to Written Representations, but were strictly prohibited from providing oral evidence to the ExA relating to merits/ demerits of the Proposed Development.

**AN** identified that the draft Examination Timetable at Annex C to the Rule 6 letter included provision for an ASI to take place on 21 May 2019. Notification of the time and meeting place would be issued with the Rule 8 letter. **AN** explained that the ExA had requested that a draft itinerary for the ASI be provided by the Applicant at Deadline 1. If IPs wished to suggest sites or features to be included in the itinerary, those suggestions should also be submitted at Deadline 1. A final itinerary would be published on 25 April 2019.

**AN** explained that for logistical and safety reasons, capacity on the minibus for the ASI would be strictly limited. Priority capacity would be afforded to the ExA and the Inspectorate's Case Team, the Applicant, Local Authorities and relevant Statutory Parties. IPs who expressed a wish to attend the ASI for its duration would be contacted by the Inspectorate's Case Team to discuss the option of meeting the ExA at relevant locations in the itinerary.

**AN** invited comments on the ASI procedure and arrangements. **GP** requested that the alternative routes were looked at during the ASI. Andrew Nicholson (**ANi**) queried whether the ASI would include visits to the A303 at various times of day to experience varying traffic volumes. Mike Birkin for Friends of the Earth asked whether a comparable dual carriageway already operational could be visited to view the potential impact on the landscape. **AN** advised the ExA would consider all requests put in writing.

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<sup>4</sup> Available here: <http://www.legislation.gov.uk/ukxi/2010/103/contents/made>

**MB** for **BMET** queried whether locations on private land would be included in the itinerary. **AN** advised that some locations would be on private land and therefore permission would need to be sought. **RH** asked when affected landowners know if their land was to be included in the itinerary. **AN** explained that once the desired locations were chosen, the required permissions and approximate times would be agreed with landowners prior to confirming the ASI itinerary. **WM** explained that affected landowners/ IPs could ask for their property to be included in the itinerary by making a written request to Deadline 1. **LS** for the **NFU** queried whether landowners would be advised of who was attending the ASI when permission was sought to include their land. **AN** advised a review would be conducted in respect of who accompanied the ExA when accessing private land before the ASI took place.

### *Hearings and hearing timetabling*

**DR** summarised the three types of hearings provided for in the PA2008 and how they could be requested.

**DR** explained an Open Floor Hearing (OFH) must be held when the ExA receives one or more requests from IPs to speak at one by the specified deadline. OFHs enable all IPs who wish to do so an opportunity to make oral representations about the application. **DR** explained that the draft Examination Timetable reserved dates for OFHs in May 2019 which included daytime and evening sessions. The notification for four hearings of this type would be included in the Rule 8 letter. Further OFHs could be held if necessary and dates in August 2019 were reserved for that purpose.

**DR** advised that it was for the ExA to decide whether to hold Issue Specific Hearings (ISH) and the topics they should cover. ISHs would only be held if the ExA decided that they were necessary to ensure adequate examination of particular issues. **DR** explained that the draft Examination Timetable included reserved dates for ISHs in June 2019. If further ISHs were deemed necessary by the ExA, the draft Examination Timetable reserved dates for them in August 2019.

**DR** explained that the third form of hearing related to the Compulsory Acquisition of land and rights and explained that if a request was made for a Compulsory Acquisition Hearing (CAH) by an Affected Person by the deadline specified, then a CAH would be held. All APs would be invited to make oral representations at the CAH about the Compulsory Acquisition proposals in relation to their land interests.

**DR** reiterated that the ExA intended to provide with the notifications of the ISH and CAH hearings a broad indication of matters to be discussed. Detailed agendas would also be published on the project page of the National Infrastructure Planning website a week prior to the events taking place.

**DR** invited comments on the need for and timings of OFHs. **AP** queried the venues proposed for the OFHs. **WM** advised that the likely venue would be City Hall, Salisbury. **RT** for the Applicant confirmed that City Hall was the intended venue. **BG** queried what could be included in oral representations at OFHs and whether the Applicant could be cross-examined by IPs. **DR** explained that cross-examination would not be permitted at OFHs. Although the PA2008 was largely a written process, OFHs provided IPs the opportunity to expand on arguments previously set out in written submissions. The ExA could ask questions if they required further clarification. **DR** explained that cross-examination was only permitted at ISHs at the discretion of the

ExA. **WM** advised that the ExA could consider requests in writing for cross-examination at ISHs.

**AP** queried whether persons could attend the OFHs and ISHs on the day without prior notification. **DR** stated that prior notification was not compulsory but would assist the Inspectorate's preparations for the events. **WM** explained that registered IPs had a legal right to attend and speak at hearings. Non-registered members of the public would only be allowed to speak at the discretion of the ExA. **AP** queried whether evidence presented on behalf of people he was representing would carry the same weight as if they had presented it themselves. **WM** advised that it would. The Inspectorate encourages groups of people who share the same views to form a group with an elected spokesperson.

**DR** invited parties to comment on the timings and suggested issues for the ISHs. **KF** for the SHA referred to its letter giving notice of its attendance at the Preliminary Meeting which had also included requests for particular ISHs to be held and identified attendance constraints for the SHA's representatives. **WM** emphasised that the SHA's Written Representations should contain all arguments and evidence from its experts in case they were unable to attend a relevant ISH.

**MB** for BMET suggested topics for requested ISHs: damage to Blick Mead; Western Portal/ western section of the dual carriageway; advice and decision made by UNESCO; and alternative routes and how they have been explored. **WM** reiterated that the PA2008 process was predominantly a written process and that expert evidence should be submitted in writing for the appropriate deadline in the first instance. IPs should not rely on ISHs being held on particular topics to introduce evidence. **WM** advised IPs to review the Planning Act 2008: examination of applications for development consent guidance<sup>6</sup>.

**PR** for the National Trust identified attendance constraints for its team and queried whether all of the issues identified in the ExA's IAPIs would be examined at ISHs. **WM** clarified that the all of the Principal Issues would be considered in the Examination but not necessarily examined through ISHs. If an issue had been adequately examined through the written process, further examination via hearings would not be required.

**NW** for the TRF requested that the impacts on byways be examined at either a standalone ISH or as part of another ISH and identified attendance constraints for its team. **LS** for the NFU requested on behalf of affected landowners that agricultural issues (including access, public rights of way and land mitigation) be examined at an ISH. Archie Reed also requested that the effects on landowners arising from construction works also be examined at an ISH.

**ANi** asked whether the OFHs and ISHs would include provision for evidence to be displayed on screens. **DR** advised that the Applicant could arrange for screens to project evidence although there would not be scope for lengthy presentations. **WM** explained that only evidence already considered by the ExA could be displayed at hearings. **RT** for the Applicant advised that the display of Examination Documents could be accommodated with advanced notification. **AP** requested that hearing time be

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<sup>6</sup> Available here: <https://www.gov.uk/government/publications/planning-act-2008-examination-of-applications-for-development-consent>

allocated to examine the spiritual impacts of the Proposed Development. **BH** for HiE and **RT** for the Applicant identified attendance constraints for their respective teams.

**DR** invited parties to comment on the need for and timings of CAHs. **RT** for the Applicant and **PR** for the National Trust identified attendance constraints for their respective teams. Graham Eaves, acting on behalf of landowners at Solstice Park, objected to the Compulsory Acquisition of his client's land. **GE** noted ongoing dialogue with the Applicant in view of reaching agreement which would negate the need to attend and participate at a CAH, but queried the latest date by which a CAH could be requested in case agreement was not reached. **WM** stated that all CAH requests should be submitted by Deadline 1. **Kate Davies** for English Heritage and **LS** for the NFU both acknowledged ongoing dialogue with the Applicant with regards to Compulsory Acquisition and confirmed a request for a CAH would be submitted for Deadline 1 in case agreement was not reached.

## 7. Any other matters

**WM** acknowledged WC's concerns regarding further use of Salisbury Racecourse as a venue due to its location and accessibility. **PB** for WC confirmed that it was content with the proposed use of City Hall for future Examination events.

**KF** for the SHA requested that, due to the international interest in the Proposed Development, live streaming of future events should be considered. **WM** acknowledged the benefit of live streaming and explained that the Inspectorate was considering live-streaming for future examinations but advised it was not a requirement for this examination. **RT** confirmed the Applicant's view on this matter would be submitted at Deadline 1. **WM** noted that an audio recording of all Examination events would be made available for those persons who were unable to attend.

**CG** queried whether the ExA could build into the DCO restrictions to mitigate for unknown archaeological features discovered during construction. **WM** explained that Requirements could be inserted into the DCO to safeguard unknown archaeological receptors. **AN** confirmed that the ExA would be examining the draft DAMS and associated documents in detail to review the contingency arrangements proposed for unforeseen discoveries. **AP** expressed concerns regarding the protection of ancient human remains. **WM** advised that that issue was a matter for the Examination.

**KFr** queried whether the decisions and timings set out in the Rule 8 letter were open to discussion/ dispute and whether new images could be displayed at hearings to assist oral representations. **WM** confirmed that the Examination Timetable once set was not open to discussion/ dispute and that the ExA's decisions could not be challenged until after the decision had been issued by the SoST. **WM** reiterated that only material already submitted to the Examination could be displayed at hearings.

A query was raised regarding notification of published submissions and updated versions of application documents. **WM** advised that IPs should follow the Examination Timetable to be aware of when specific submissions were due and asked the Applicant to look into a method for identifying when an application document had been updated. **RT** for the Applicant advised that a document tracker had been produced and would be updated in the course of the Examination.

**WB** explained that the ExA's Rule 8 letter, which would include the confirmed Examination Timetable and the decisions in respect of the procedural matters raised, would be issued to all IPs as soon as practicable.

**WB** thanked everyone who had participated and closed the Preliminary Meeting at 3.22pm.