

TEXT_PRELIM 1_SESSION 2_16112021

Tue, 11/16 1:51PM • 1:18:03

00:18

steward your mute? I am Thank you. Apologies for that. I'm sure that won't be the last time.

00:28

The time is now 11am. And this meeting is restarting. Please could a member of the case team confirm that I can be heard clearly and that the live streaming and recording have restarted?

00:43

Yes, we can hear you clearly you can see clearly. And the live stream has restarted. Thank you very much. And the recording? Yes, thank you. Please can remind all parties as before to get your microphone muted and camera off until I invited to speak. Thank you. We had a request from Makayla Bromley, who I understand these two levers at 1145. And as asked if we can cover her items straight after the break, and now in fact, so I'm very happy to accommodate that. And actually, while I do that, address some of the matters raised by Haley Simpson, who I believe, as we said earlier as a family member, so please just bear with me a moment while I'll just need to reject things a little bit now. But that's fine. I'm going to make some introductory comments before I come to to those matters.

01:59

But I think your microphone is on. Thank you. So let me just go through some general points around agenda item three. I'm going to take through submissions on the examination process now. And after I've been through the matters for Mikayla Bromley and Haley Simpson, I'll actually go through in the order set out in agenda item three. were invited to speak, please unmute your microphone. And if you're comfortable to switch on your camera, please switch them off again. When I move to the next speaker. Each time you speak, please give your name and if appropriate organisation for the formal record. Please direct all comments questions and answers through me rather than directly to another party. So for each item that follows our first deal with any written submissions in turn, I will summarise each submission and respond to it before then inviting the party making the written submission to add anything. So I'll make it clear when when you're invited to speak. I'll invite any other oral submissions on a topic after all written submissions on that topic have been addressed. So hopefully that if that isn't clear, it'll become clearer as we as we go through. So if you just bear with me a moment because I just need to slightly change the order. And the time was going to go through things. So I'm going to consider hearings and virtual events first. And Hayley Simpson made a submission about hearings and virtual events which I'm going to break down into two parts. So firstly, Hayley submission requested a compulsory acquisition hearing due to her mum's land being on the red line. So the response to that is thank you, Haley Simpson for your submission. Your request is noted, and will be considered alongside any other requests that are received by the examination deadline for notification of wishes to speak to compulsory acquisition hearing, but I'm taking your request to hold a compulsory acquisition hearing and confirm that we will be holding a compulsory acquisition hearing, and that indeed, you will be

invited to that. The second part of the submission for Hayley Simpson is as follows. So Hayley Simpson believes that conducting the examination virtually excludes a lot of specific individuals. And she asks whether it is fair for all information to be online and says that this limit who can attend a hearing, she has asked how many people who are not up to date with technology can be expected to engage at Simpson has said that if you do have any questions It is extremely hard to engage online. So responding to that. Again, I'd like to thank Hayley Simpson for this submission actually for raising a very important point. In general terms, the planning Inspectorate take accessibility and fairness very seriously. In fact, I'd probably go further than that. And for me personally, ensuring people are treated fairly. And let as many people as possible can take part in the examination is one of the most important parts of my job. And I do this job because I care about that sort of thing. The COVID situation makes it more challenging to do that. But it is also bringing opportunities as it it has accelerated several developments to the way that we hold hearings that are helpful for many people. For example, we're aware that many people prefer the convenience of be able to be able to access information online and to be able to attend events virtually. We're also aware that these methods can be beneficial for people who are less mobile, and wanting to limit their exposure to the risk of infection COVID. However, recognising the points that had the Simpsons be made, it is true that some of these methods are new for some people, and that not everybody has the facilities or skills required to take part, using all of the tools and methods that we make available. People who are likely to find it difficult to participate in the examination, or their friends or relatives are encouraged to contact the case team for support.

06:40

This is really important for you to do that. So if you're struggling to participate for any reason, please don't keep that to yourself, please contact the case team because there are various ways in which the case team can assist. So that assistance can take many forms. And to give you some examples, we can help people to understand how to use the website, we can help to understand how to take part in virtual hearings, and how to use Microsoft Teams through a computer rather than a telephone. There are various ways in which you can do that and actually, not participating using a telephone does make it slightly easier. However, for people who do use a telephone help can be provided on how to use that to take part in a hearing. There's can also be help of how to use a local library to access the information that's been published. And there are various options of being notified for information that is available and being published that the case team can help people to understand. And also suggestions can be made of how friends or relatives might be able to help people to engage in the examination. And it's really heartening to see that family members are helping each other in this case. So thank you for that. We also consider whether it is possible to adjust our arrangements for the examination to make it more accessible. So what can we do better to help people as an example that I mentioned before, we're currently considering the use of a combination of virtual and in person methods for the next set of hearings. So that if that goes well, and the COVID situation doesn't deteriorate, and in fact, hopefully improved somewhat, we may be able to hold an in person, physical event for the February hearings, our decisions on whether to do that are very much informed by the needs of different parties that want to take part. And we have to look at the risks asserted associated with COVID-19 at the time of the hearings, and that that that can be something that that might change. So that's that's the response to Hayley Simpsons submission on those points. I wonder if Mikayla Bromley wants to respond to that at all. If that's helpful, if not, then Michaela, I would encourage you or your family members to to try to get support from the case team. And in response to that one, if not, I'll move on.

09:28

Okay, thank you. I'm just going to have a look through now. If that was the point for heavy Simpson to address fill in that there was right I can't find it immediately at the moment. Just bear with me for a moment. I would like to try to find that Sorry, please bear with me. Okay, yes, you found it. Thank you for bearing with me. So Haley Simpson also made us a submission in relation to the timetable. So this this is, is quite out of sequence. But I'd still like to cover it well. And Mikayla, is with us. So, Haley Simpson has widely information for this meeting for this preliminary meeting was only issued last week. And she asks how people are meant to organise what they will say and Windows about people who may have been away or have personal circumstances. Haley Simpson also asked if enough allowance has been made for people to organise themselves. So this is this is about the timescale available for preparing for this meeting and making submissions for this meeting. So our response to that, my response to that is to thank, again, holy submission for that submission. And just to just to clarify a couple of things. So we allowed a period from the 19th of October to the first of November, which is nearly two weeks, the parties to make a written submission about how the application is to be examined. So that's the topic for this meeting. And also, to register wish to make an oral submission to this meeting. Obviously, there's an opportunity to make an oral submission to this meeting about that how the application is to be examined. So we're not just relying on things that have been sent in writing. I am sorry, if this cause difficulty if the short timescale cause difficulty. But I am very grateful that the time was taken to make a written submission. I'm very grateful for the efforts in taking part today. Please, carefully study the examination timetable. And please try to understand the opportunities for participating during the examination, it will be a fast moving examination. And that's the consequences of us having to cover everything within six months. So often, the timescales will be challenging. But I hope that by being aware of those timescales in advance, that will help people to make the most of the time available, and make the most of the opportunities to participate. If there are any question marks about the timetable, or the deadlines after this meeting, and passes apart, perhaps not clear about the time available, or when they might be able to participate. Please do again, contact the case team. One of the most important functions of the case team is to help people to participate. So I think I've now COVID The submissions made by Haley Simpson and Michaela from this family. Again, we Kayla Bromley Is there anything you'd like to add at this point? I'll just pause for a second to light to do that if you'd like to. Okay, so in that case, I hope that was helpful. Again, thank you for joining by telephone. If you if you want to view the recording of the event afterwards and are able to access a computer to do that, then I think you'll probably find that helpful. But again, thank you for joining us today. Right, let's move back to the order for agenda item three. So I'm going to go through now topics in sequence. And I'm going to start with local input records. So, again, just to reiterate, oh, that's okay. Thank you. Thank you.

14:24

Sorry, I've tried press. I have got some time to make. Is it okay for me?

14:29

Of course, please do. Please do sorry. i Please go ahead. Thank you.

14:34

Thank you for rearranging your schedule around me. I appreciate that. It's a lot of it is just really mirroring what MODAF has said it's difficult to engage with the process. For people who haven't got, you know, the internet, a lot of people haven't known about it. It should have been bleached words may be put through people's doors, things like that. And it's a big better, if possible, I understand COVID. But restrictions are wasted. Now, if the court are face to face consultation.

15:12

Okay, thank you. So I think, you know, highlighting a lot of the points made previously there there are there are requirements just to add a couple of things, there are requirements for the events to be publicised, and which, which are legal requirements. Some of those we do some the applicant is required to do. So those should be helpful. But if there are, I think it's important, you know, it is important to make sure that we're reaching people. And if you're, if you are aware of other people, or yourself, who may not be able to access the internet fully, then please let the case team know because we can contact they can contact people Additionally, if needed to make, make them aware that things are happening. So there are extra things that we can potentially potentially do to help people. So I'm sure the case team are going to reflect on this as well and consider how they can help you with with some additional notification. But thank you for bearing with us.

16:24

Okay, thank you. And also it's quite awkward the time the t test because people are working like I know. I'd like to speak at the open floor eating meeting on Thursday, but accounts and my daughter Hey, we can because of work commitments, you know.

16:43

Thank you. Okay, can I ask what time would be suitable? Because we can. I think we're almost certain to have an open floor hearing later. And that could potentially be held in the evening, if that was helpful. So can you give an indication of what sort of times would would work best?

17:01

Yeah, it depends what evenings because mudhar to coaches a lot at night. So I mean, if you could tell me which evening this is, she could work it round it. Thank you.

17:12

Okay, we'll see. We'll see what we can do. Thank you very much.

17:15

Thank you.

17:16

Thank you. Okay. Right now, but back to the agenda. So I'm just going to remind you of the process a little bit. So I'm going to for each topic, I'm going to deal with written submissions in turn. I'll I'll quickly summarise each submission. I'll respond to it and then invite the party that made the submission to identity thing. I'll invite other oral submissions on a topic after all written submissions on that topic have been addressed. So first topic, local impact reports. Peak District National Park Authority made a

submission which just to summarise very quickly raised concerns that it hadn't been invited to submit a local impact report. I may have covered this already. But just to just to clarify a couple of other things. So the planning spectrums adequacy of consultation letter, which was sent to certain parties, including local authorities, dated 29th of June, said that, and I quote, you will also be invited to submit a separate local impact report. That letter was sent to peak to peak District National Park Authority on 13th of July 2021. Was responded to by Peak District National Park Authority on 13th of July. The Formal Invitations to local authorities to submit a local impact report does include Peak District National Park Authority, and that invitation will be included, as I said earlier in what is known as the rules but eight letter and that letter will be published as soon as practicable after this meeting. And certainly within the next few days. I hope that clarifies pink District National Park Authority, we haven't missed you out. But is there anything that you would like to add on that at that, please? Thank you, sir. No, no, that is that is really good to hear. Thanks very much for your help. Thank you. Are there any other submissions from any parties about local input reports? Let's move on. So statements will come. Oh, sorry. Sorry, was that somebody wanting to make a submission? Thank you, statements of common ground. Details of our procedural decision to request the preparation of statements of common ground between the applicant and certain interested parties were included in Annex E of our letter of the 19th of October 2021. The applicant is have made a written submission on statements of common ground that I will now consider in three parts. After responding to all three parts, I will invite the applicant to add anything. I will then invite any other oral submissions on statements of common common ground after I've been through the applicants written submission. So the first part of the applicant's written submission, which I will summarise is that the applicant has suggested that statements of common ground with Tim side Metropolitan Borough Council and transport for Greater Manchester would cover those that have been requested to be provided for Greater Manchester Combined Authority. So the response to that is that in principle, we don't have an objection to that, but it would be very helpful for us to have written confirmation that Greater Manchester Combined Authority 10 side Metropolitan Borough Council and transport for Greater Manchester agree with the applicants suggested approach. I'll come back for response after I've been through all three parts of the applicant submission. The second part of the applicant submission is a suggestion that the statement of common ground with United Utilities should only cover the matters listed under the heading of statutory undertakers that was included in our letter requesting the statements of common ground, rather than including the additional matters identified under the environment, Environment Agency heading where we also included United Utilities. So let me respond to that, hopefully with a helpful clarification. So United Utilities are the water and sewage Undertaker's would places them in a slightly different position to a number of statutory undertakers, I would suggest, in particular paragraph 4.55 of the national policy statement notes the role of the water and sewage Undertaker's in relation to pollution control, and notes the need for close cooperation with them.

22:12

Pollution control matters are not covered under the statutory undertakers heading for a statement of common ground, but they are covered under the Environment Agency heading. And that's why we've included United Utilities under the Environment Agency heading so as to pick up the pollution control aspects of United Utilities role, and the need for close consultation with them. So as our statement of common ground request states responses need only be provided for matters applicable to United Utilities area of responsibility. So the matters under the Environment Agency heading that don't apply to

United Utilities, we are not expecting a statement of common ground on those matters. The third part of the submission from the applicant to summarise is that the applicant has suggested that historic England's relevant representation signs off on those aspects to be covered by a statement of common ground and the applicant questions What purpose a statement of common ground with Historic England would serve. So to respond to that. Historic England relevant representation, in our view does not specifically address each matter identified in the requested statement of common ground. And therefore, I suggest that providing a statement of common ground with Historic England would help to avoid ambiguity and provide clarity on the detail of the matters that we've suggested and that we will need to consider. What I'd also suggest is that our first written questions and in fact, the submissions to the examination are likely to include questions about this topic environment. And a statement of common ground between the applicant and Historic England might be helpful for the clarification of historic England's position around the issues that are raised during the examination and might be helpful to Historic England as it considers the extent to which it needs to participate in the examination. So a statement of common ground can be a very efficient way of dealing with detailed matters. And so those are the three parts of the applicant submission, which I've summarised very briefly. I've given a response to those. Is there anything that the applicant would now like to add please?

24:59

Vicky foul On behalf the applicant, no so that that clarification is extremely helpful. And I can confirm on the third point that we were in correspondence with Historic England, and they are very happy to be involved in a statement of common ground. So, yeah, that that's helpful. Thank you.

25:17

Thank you very much. The applicants have provided a written summary of progress in preparing the sense of common ground, which is very helpful. I'm sorry to bring you back on so quickly, but can the applicant please provide any further updates on the progress in preparing sense of common ground, you've already covered Historic England?

25:37

Yes. And I confirm the tool. All of those are in hand some of more further advanced. And others think as per our covering letters, draft statements of common ground, were submitted with a number of authorities, or that we recognise that they don't necessarily follow the specific bullet points that's set out in Annex E. So they are being updated. And we are holding regular meetings, certainly with those in Category A to advance those. The it probably is worth me just saying I mean, we have made contact with the Environment Agency, because of course, the Environmental Agency have not made a relevant representation. So we are obviously trying to work with them in terms of securing that statement of common ground. Okay, that

26:33

that's helpful. Are there any other parties that you think it might be useful to have participate in the statement of common ground other than those listed?

26:46

I think not at this stage, sir. I think I think well, we, we were happy the list was very comprehensive.

26:54

Okay, thank you. Thank you. Thank you for that response. So let me know, make this open to other participants. Are there any other submissions about statements of common ground this morning, please. And I can see that a hand has been held up, I can't quite see. Mr. Wimberly. I believe

27:19

it is, it just

27:20

occurred to me, I can't thank you. Okay.

27:24

I was interested to hear about the Manchester. Statement of common ground, there were three authorities mentioned the Greater Manchester going to authority. Was it the Manchester something authority, which I assume is all the barriers put together? The transport for Manchester, and there was Tim side? Correct. And the suggestion coming from the applicant is that the three main commons a statement of common ground, and my concern as a concerned bystanders to is whether that will actually hide nuances of approach between those three organisations, because once you've made the coalition, then there's only one card on the table, whereas in fact, there are three. So I don't want to run that run that past yourself and the applicant to as as as a point of whether we're going to lose information this way.

28:25

Thank you. Thank you. Mr. Wimberly. Let me let me first clarify what I understand the position to be. So as I understand separate statements of common ground will be developed with separate parties. So it's normal practice for national infrastructure statements of common ground to be between the applicant and one of the party. So they wouldn't generally be with a series of parties. So although in our request, we we mentioned a series of parties under each heading. In practice, they're normally developed between the applicant and one of the party. So I think I think the issue that you raise wouldn't arise. Does the applicant have anything to add to that, please? I can't hear the applicant microphone maybe muted.

29:26

Sorry, FICKY fell on behalf of the applicant. Sorry, sir. I was having trouble with my camera and microphone. No, I have nothing further further to add and as you say, the intention is to have separate statements of common ground with the various parties. I think the confusion may be to your reference of the three bodies that need to confirm that they are happy, but there is no separate statement of common ground with the Greater Manchester Combined Authority, which I believe was the Greater Manchester Combined Authority themselves Tameside Metropolitan Borough accounts. So and the transport for Greater Manchester.

30:03

Thank you. Mr. Wimberly. Do you have anything to add further?

30:11

Yes, I do, because I don't know You seem not to be confused. I am. Is there going to be separate statements of common ground with those three agencies?

30:24

So, let me give sorry, let me give my understanding again. So my understanding is that while the applicant is proposing a statement of common ground with 10 side Metropolitan Borough Council, a separate statement of common ground with transport for Greater Manchester, and is not proposing a statement of common ground with Greater Manchester Combined Authority in the belief that Tim side and transport for Greater Manchester will cover any of the matters for Greater Manchester Combined Authority. So that appears to be a reasonable request to me, but I would I have asked if the applicant could get a written agreement from those three authorities that 10 side and transport for Greater Manchester statements of Common Ground will cover the Greater Manchester Combined Authority matters. Does that make sense? Mr. Wimberly that does, thank you. Thank you. I'm not going to invite the applicant to respond to further on that. Mr. Wimberly, your hand is still raised, and your camera is still on? Thank you. I believe that there was a nother request. Another hand raised was that Mr. Buchan?

31:58

It is yes.

32:00

Would you like what would you what would you like to say please.

32:04

So this is just to flag up, I am going to mention statements of common ground in the next agenda item, which I think it's probably us. It's very useful in these circumstances, to have such statements of common ground where there are complicated technical matters. And from what I can envisage from the material I've received. So far, there will be complicated technical matters. And therefore, I'm going to suggest in the next item that we do offer to the applicants and anybody else, a statement of common ground, we are very happy to do so. But I thought it would be good just to flag it up at this particular moment. Thank you.

32:45

Thank you. Thank you. Thank you, Mr. Book. And I think the point is well made. And actually the default position can often be first areas of common ground to be found with local authorities, statutory undertakers, and not actually to focus on other groups. So I think I would encourage the applicant to consider and perhaps to explore with CPRE whether a statement of common ground between those two parties might be useful. Would the applicant respond to that please?

33:28

Vicki fell on behalf of the applicant, yet, yes. So we will take that away. And I'm happy to consider that and to have an early discussion to see if, if we can make progress with such a statement.

33:40

Thank you. Thank you very much. That's helpful. Any other points being raised on statements of Common Ground please? There is 100. Mr. Book and if it is that a legacy hand from before? If it is to be helpful, thank you very much. Okay, let's move on to written representations. Are there any submissions about the principles of written representations, please? No, now, are there any representations about the principles of the examining authorities written questions, please. We'll come to timetable issues later. No, thank you hearings and virtual events. We've covered submissions from Hayley Simpson already. There was then a submission from CPRE Peak District and South Yorkshire. So, let me let me summarise again and give a response before inviting CPRE to comment. So CPRE believes that there are several emissions to the DCO documents and asks when the appropriate time would be to raise those emissions in the examination process. See proposes that an issue specific hearing is held on the need for the scheme and alternative solutions. CBRE has also suggested that the context for carbon appraisal in terms of targets and values has changed since the application and took the assessments. And CPRE suggests that an issue specific hearing might be appropriate in these circumstances. So let me give an initial response to those matters. And thank you CPRE Peak District in South Yorkshire for your submission, which we appreciate. As I've said before, there will be a number of opportunities during the examination for parties to raise their concerns about the application. And in general terms, it is most helpful to us if any concerns are raised once and in writing, and that can be particularly helpful when the matters are technical and complex in nature. As I said before, many parties have already raised issues in their relevant representations of as have CPRE Pete district in South Yorkshire. What I'd highlight is that there's an opportunity for written submissions to be submitted by deadline to and this is a very important deadline. And the written representations are often the key opportunity for parties to set out their case. So many parties do see that as the best time to set up their concerns fully and in detail. Now, it's certainly encouraged CPR, II Peak District in South Yorkshire to do that. There are also opportunities to raise any issues at the open floor hearing later this week, I do not want to start to talk through the merits of the case, or what is good or about the case today. That's not the purpose of this event. In terms of hearings, we, as the examining authority will decide what we'd like to cover in the first set of issues specific hearings, which are currently scheduled for February, after we have considered all of the submissions that had been made by deadline three. So we will be considering the content of hearings. Once we've seen some of the key written submissions to help us to decide what to cover at issue specific hearings, then, I encourage parties to set up their concerns in detail in their written representations, as I've just said. And as I've said before, we may not hold an issue specific hearing on a topic, if we're satisfied that each party has had a fair opportunity to put in a case. So I hope that's helpful guidance, but does CPRE Peak District and South Yorkshire have anything to add, please?

37:54

Yes, please. Can we just respond to that? Thank you very much. So the first issue that we raised in our letter was the question of emissions from the evidence base. And the things that we listed are information that is really important to us to understand the assumptions and forecasting the applicant has made about the impact of the scheme on the traffic. The second thing is for us to be able to develop our sustainable travel options in the area. So our request for that information is informed by Keith bucklins opinion as a professional transport planner with MTI EU, he's working for us. So with

respect to our lists are first of all can confirm that we received the carbon worksheets on Friday, the fifth of November under a Freedom of Information request. And on Friday, the 12th of November, just before six in the evening, we received several documents from national highways. I'll leave Keith to address these. Our second concern was to raise suggestions for issue specific hearings. And we understand completely what you've just said. So that it's up to you. But we want to give you advance warning of these. So I'm going to ask key to just outline why we believe three issue specific hearings are now necessary. Key.

39:16

Thank you very much. So I just briefly give an update to the examination of where we are on two subjects, basically the the evidence that we are receiving from the applicant. And also the I have a question that I think in relation to that as to how the examination would wish us to proceed in submission of our written material. It's been very helpful. So we are aware of the different deadlines. But to cover the first evidence point first, as Ann Robinson said, We did receive this material. There aren't many hundreds of pages of it. A lot of it very technical, exactly as I expected, which is why I've been asking for it for so long. So I obviously haven't been able to read it before this particular meeting, although I have had a preliminary go through it being a curious person as well as the transport planner. So I think my initial conclusion is, there was a lot of material in this, it does not answer the specific questions which I've been putting. And in fact, the response that I was given was not specifically referenced, except in one case. Now, in fact, I would read these documents anyway, frankly. But I do think it is important that it's recognised that they have received and received fairly late. And I'm hoping so that the applicant intends to submit those documents to the examination, which I think it would be the proper, the proper thing to do. One thing the applicant has agreed to do so and I think this is very welcome, on our side is to have a meeting, which would discuss the technical issues. And as I've just mentioned, a few moments ago, I think a statement of common ground in these matters is often a very useful way forward for such examine this examination, such as this are indeed public inquiries. So I think that's, that's hopeful. But the fact of the matter is I've raised are fairly substantial. And that is why they will take some time to really to discuss, however, in the meantime. So and this is perhaps where I'd be interested to or we will be interested to hear your view. Obviously, I haven't sat on my hands and done nothing in the previous six months. So we have been looking at our proposed possible alternative package, we've done some work on it. And indeed, we've held a public meeting to discuss it, to which all parties are involved, including the statutory, the statutory parties. So we have material, what I don't want to do, and what we don't want to do is to is to sort of pepper the examination with bits and bits and pieces here and there. But we are wondering whether it would be helpful to use to have any of this material in advance of those deadlines, in which case we will prepare a package or whether we would just stick to the deadline? So that's a question. I think, and we don't necessarily have to have an answer at this moment, but we wish to be guided by you because we will be producing not, you know, not quite as technical material, as some of them have of the modelling in the applicants reports. But certainly analysis of flows and and that sort of material, which is fairly technical. So we will be sending it to the to the sorry, national highways as now is. But we'd like some response from you on possibly on what your preference would be. And you're obviously your technical adviser. On the second matter of specific hearings, I'll just be very brief on that, of course, we do understand that this is a matter of for you. In light of the written submissions. In fact, that's that's what I've written down in my notes here. But we did want to say that we do think these are very serious issues, particularly in relation to the

alternatives, where we will be making a significant submission in relation to carbon, which is highly relevant to the applicant's submission, not just in terms of carbon values. But in terms of the uncertainty log, which I believe I've mentioned. So there are these are major issues. And we think that unless it's absolutely clear from the written submissions that an issue, specific hearing would be useful. Finally, can I I'm loath to add to the lists. But a third possibility seems to me to be

44:10

on this list. And that would be a specific hearing on the the forecasting the modelling and the economics. This is the very heart of the the appraisal. And there are obviously major issues into the way in the way this has been handled, which we think would probably justify a hearing which the panel can hear the participants discuss it in an open forum. But as I say, that's entirely a matter for you. We just wanted to present to you today where we are and its relevance to the timetable and the procedures of the examination. Thank you very much,

44:48

sir. Thank you. Mr. Buchan. Is anything else from CPRE at this point?

44:54

No, sir. Thank you. Okay. Thank

44:56

Thank you. Thank you for raising this matters. So let me let me respond and then I'm going to invite the applicant to respond as well. So I'm content with the timetable that we've set out. And I think the the detailed information that you refer to, does seem to me to fit very nicely within a written representation. And I think it would, it would be helpful to us if you have time to put together your thoughts in a careful and considered way, and not to do it in a piecemeal basis. So as soon as I think you've recognised that it's helpful for us to have it all together. So it seems to me that the written representations deadline is entirely suitable for that. And that is that is the relatively early stages of the examination. And it's in good time for us to consider what we might like to cover in the hearings. So let me steer, steer you towards that. If we are, if we are given into REM submissions outside the deadlines, then the process that we go through for the examination authority to decide whether to accept those into the examination, first of all, so whether they're a valid submission. And then when those submissions are published. And in general terms, we would publish submissions at the deadlines and not between the deadlines. So then there may be exceptions to that. But the general rule is that we will only publish deadlines. And again, that's because it's not helpful to have an ongoing dialogue of written communication in between the deadlines it can, it can be very confusing. So we'd rather have good quality written submissions at the deadlines, if possible. My final comment is, and this is without prejudice at all, to seeing what CPRE putting together. And obviously, your your liberty to make submissions as you feel fit. But I would guide you towards the national policy statement for national networks, and how that guides us as the examining authority in terms of considering alternatives. So our focus for the examination is the application in front of us. And so I'm not going to go through it in detail now. But I just encourage CPRE to look at the National Policy Statement and how that guides us in terms of considering any alternatives. Now, I'll just leave it at that at the moment. Does the applicant wish to respond? Any further please.

48:09

Vicki Fowler on behalf of the applicant, so thank you. So that that that's very helpful. And I agree with all of the comments you've made. I mean, naturally, we're very happy to receive material from CPRE and if they'd like to share it earlier. But I agree, certainly in terms of the examination that certainly the written representation seems the appropriate for CPRE to submit that further information.

48:33

And any final words on this from CPRE, please

48:38

serve from our point of view, that guidance has been helpful to us, I think in in preparing our submissions, we are hoping finally, to set up a technical dialogue with the applicant. I've no reason to believe that will not happen now that the examination has started. Thank you very much.

48:55

Thank you that just to clarify, the examination starts after this meeting, actually. So but that's fine.

49:01

Apologies tomorrow.

49:03

Thank you. Thank you. Thank you for the submissions. Right, let's move on. We're still on the topic of hearings and virtual events. And there has been a submission from Mr. Peter Simon, who I don't believe is with us today. So Mr. Simon, to summarise again requested consideration of the need to reserve at an issue specific hearing on local authorities concerns about the transport assessment and effects on the road local road network. So just respond to that. Thank you, Peter Stone for your submission, first of all, and I would refer you to my previous responses to other submissions. So please consider setting out your concerns in detail in your written representation for deadline to and will decide on what we'd like to cover in the issue specific hearings after we've considered all of the submissions that have been made. deadline to end up to including deadlines free. So I hope that addresses that point at this stage. Let's now move on to submission from Mr. Wimberly. And I'm going to take this in two parts. So the first part and Mr. Wimberly, I'll invite you for your response after I've taken and addressed and given her initial response to each part. So Mr. Wimberly has made a written submission on hearings and virtual events, actually, which I'm going to take in three parts rather than to forgive me. So the first submission from Mr. Wimberly is a suggestion that there should be a transcript of all oral hearings as well as the live stream. So thank you, Mr. Wimberly for that submission. And so let me provide a clarification before you before I address the other point, so a video or audio recording will be made of all hearings, and those recordings will be published, and those recordings will be the formal public record. However, written transcripts will be provided for this meeting. And for the open floor hearing that will be held later this week. We will consider whether to provide written transcript transcript of any future examination events at the time. And your thoughts are noted. I think it is likely. But I can't give a firm undertaking at this point that we will provide written transcripts of future events or future hearings. Let me take part two. So Mr. Wimberly suggested there will be strong advantages if

participants can question the applicant directly at hearings. And Mr. Wimbish suggests that that should be the default position. To a degree, I've covered this already, but let me reiterate some of the points. So national infrastructure examinations, such as this one are rather different from those that are typically held for the types of planning hearing our inquiry. And to reiterate, in this case, we as the examining authority are actually very hands on in the process, and we run an inquisitorial process. And we lead the question. The reason we do that is to help ensure that we, and actually all parties retain a focus on obtaining the information that we need to make our recommendation, and helps us to make the best possible use of time in hearings. So although direct cross examination of one party, but by another can be permitted, that is very much the exception rather than the rule. Now, it's certainly encouraged parties not to assume that they will have an opportunity to cross examine another party. So our starting point, and maybe the way that we approach all hearings at all times, is for oral submissions, that has to be made through us the examining authority and not directly to any other party. However, please be assured that we will be alert to any matters that are raised and that are relevant to our recommendation. And you will see hopefully, as we go through the process, that if any key matters are not resolved to our satisfaction, and clearly, and do not address the matters that we need to consider for our recommendation, then we will raise those matters as many times as we consider necessary during the examination. So that's the second part of Mr. Wimble's submission. Let me address the third part.

53:55

So Mr. Wimberly says that there should be oral hearings on any matters which are important and contentious. And he explains his rationale for this is that he doesn't believe these matters can be entirely thrashed out in written to and fro in writing to and fro, but can be better dealt with by conversation. And Mr. Wimberly has helpfully provided a series of matters that he considers should be taken in hearings, and has also suggested some prioritisation around those and we will consider those, as we will consider other thoughts provided to us about the content of initial split in the IShs is the issue specific hearings, we'll consider those as we bring those agendas together for those events. So I'm going to give the same response to the ideas about topics for those issue specific hearings as I have before, so please do set out your question. concerns about the topics in detail in your written representation that deadline to. And again, we'll consider all of that material as we decide what we would like to cover in the issue specific hearings. So, Mr. Wimberly that was, that was three parts. I hope I summarised your thoughts, clearly and fairly. I've made some points of clarification. Is there anything that you would like to add at this stage please? Your microphone is muted.

55:40

Thank you, sir. Okay, can you hear me? All right? Yes, yes. Okay, so three parts in one go. Right, I shall try the first part transcripts. Thank you for that qualified assurance. I do think they are extremely useful. I was not quite party I was a spectator to the battle in Jersey, to have hand side as a parliamentary record. Because at one time, quite recently, we didn't have an answer. And when we did have it, suddenly the public were enabled, because they could see what we had said, and what parliamentarians had said, and it really is fundamental to democracy, actually a democratic process. So I'm very pleased to hear that you're sympathetic to this. And I hope that we do transcripts of all sessions. So that's simply to reinforce that point. And part two, and three parts to the matter, have a direct interchange, it's funny, you say use the phrase of cross examination, I hadn't thought of it in

those terms, because that raises the sort of vision of bewigged lawyers going on for a long time. And cross examining it in a certain way, which is actually quite adversarial. I was meaning dialogue, I was meaning the kind of interchange that gets beyond what a written statement can provide. And I just like to share an example that came to me as I was tweeting out last night, and that was, I just happened to be listening. I'm interested in this whole saga about PPV in the COVID pandemic, and I listened to a select committee hearing of MPs, wanting to know more about how the process have worked about PP procurement. And they had two CEOs of smallish companies. But one in particular, I remember very vividly had very good information sources all over the world. Our PP landscape was, where it was, what she could get hold of what she couldn't get hold of. And so, and the MPs were asking questions, and because that was live dialogue, and it wasn't a written submission, they were able to follow up things that she'd said, she would tell them stories, she would make an insight, there was a completely different level of information gathering, because it was live. And I was very impressed with the whole process and how that worked. And I've remembered it now for this, because I do think there is a lot of difference between writing, which is a presentation way of doing things, version one, version two, version three, it's all worked out in theory, and then you have it that has merits, but there are also merits very great merits in the dialogue and the conversation. So I just leave that those thoughts with you. But I am very strongly of the view that that live, discussion and debate even on Zoom, which is not the same as as in person, but it's, it's what we've got. I think there's merit and we've seen it just now in the tooing and froing. With the with the the complicated technical matters, and CPRE and he almost talking to each other in a way here, that maybe they wouldn't have done just writing letters to each other. And now on the whole hearings for certain issues Yes, I suppose that that is in a way covered by by what I've said. on certain issues, what I what I fear is that with written submissions, you the the the, the the examining authority have side by side, two points of view And in fact, the meshing and the and that the conflict? Actually, I think there are there is real conflict here. And that can only be expressed actually in dialogue.

1:00:15

And the two conflicts come to my mind. One is the wildly different versions of how we should respond to the climate emergency. I think if we deep down we'll find the views, very distinct, and yet, but obviously, I won't go into that debate. But I think there are wildly divergent views of not so much what the science is telling us, but what we should do about it. So I think there's that that issue is very conflicted. And the other conflict is, what is quality of life? What is the what are the implications of these traffic increases that we now learn about on people's quality of life? And I think that whole area, what is what is the impact of this scheme? What about people going to the local shop? What about people taking their children to school, all those issues being explored in a more personal way, will actually be very revealing, and, and useful for you.

1:01:17

Mr. Wimberly? Thank you. And thank you for taking all three points together. I appreciate that. It's helpful. So I just reflect on a couple of things there. So I think I think you've seen as you mentioned, in this event, how to and fro is possible between parties, mediated by ourselves, and that's very much the style that we'll be adopting at any future hearings. So we will lead the discussion. And we would expect typically, parties to respond to points made by other parties. But for that to happen through words, and for us to direct, if you like the the topics that we would like to see that X type of exchange on. So I think probably a lot of the benefits you see from direct dialogue with parties, we will achieve that through our

direction and our control. So and I do recognise very much that it can be very helpful to have that type of dialogue in person on certain issues. We have limited time available for the whole examination, because because we are legally required to follow the timescale so that as much as anything is why we have a focus on the written submissions, because they are very time effective. And actually, I do think that differences can be expressed in writing. And it is entirely appropriate and common for us to put differences of opinion in writing alongside each other, and for us to reach our views based on that, but the hearings have their place and and hopefully we will make the right judgments for the matters that are held in hearings and those that we did not tell in hearings, but certainly take on board your the points that you've made, which is very helpful. Thank you. Any final response, Mr. Wimberly?

1:03:24

Yes, yes. Can you hear me? Yes, yes, yes, it's Daniel Wimberly again. Yes, there was just something that I wanted to say about oral hearings and so on. I fear this constraint of time, actually. And I recognise that it's in the statute. And I know the background to why it is the statute, but I am concerned about the value being put on, I suppose, the local situation and about the scheme. And I have, I hear what you're saying about about controlling the dialogue, to some extent, and so on. But I do hope that that is, in a sense, a validation of the request to have all hearings, that they can be controlled by yourselves. We don't have to go down rabbit holes, but we do have to look at the big issues. And another one I just remembered about deep conflict is the amount of information that the applicant gave consultees at the consultation stage. Now that is deeply conflicting. There are very strongly held views. I certainly have very strong views about that. And I know others do as well from the relevant representations. So that needs to come out and I and to honour the The people in the area, I was thinking of Stonehenge, I'm sure Stonehenge had hearings. I'm sure that public areas, and these are people, not old stones. So the old stones are valuable, but some of the people and and it's not just that I live miles away, but I'm directly affected by this scheme in many ways. So I do hope that the, that what he's done is the right thing. Always. And I'm sure that that's your passion.

1:05:31

Yes. Yes, that's we certainly are driven by doing the right thing. Thank you. I think

1:05:43

it is, I said earlier, actually, and hopefully, clearly that it is very important to us to hear the local views. And there will be knowledge within the minds of the interested parties that we don't have, and that perhaps, haven't been fully expressed. So we are very keen to hear those. And I hope I've made that clear. And that's another aspect of hearing the local views is through the local impact reports from local authorities that there will be perhaps in many cases, a different set of local issues. But we really do want to hear those local views and to have those set out in detail in the written representations, please, I'm going to move on. So a submission from Wu county council. And I'm going to just summarise part of that, where the county council suggested that each individual section of the virtual hearing session shouldn't be too lengthy, and that each individual topic session should last no more than two hours with that short break in between. So thank you Derbyshire county council for your submissions. And actually, for the reflections on a previous case, we're typically going to aim for sessions to be no more than 90 minutes long, without a break. And although we might exceed that, occasionally, if we consider it beneficial to and probably generally take breaks more frequently than 60 minutes. Just double check

county council have anything to add? No, thanks very much. So nothing you summarised it Well, thank you. Thank you. Right, so I'm now going to move on to a submission from the applicant quite a brief form, which I'll try and summarise. The applicant asked if the examining authority if we could confirm our thoughts on the preferred venue for any in person hearings. So thank the applicant for its submission. We visited two potential venues for hearings in the vicinity of the of the application. And we're currently considering the format of future hearings, as I mentioned earlier, and looking at the facilities that might be required for those hearings. So we are actively considering that at the moment. And we anticipate providing our thoughts on that. As soon as is practicable after this week and actually noting that any of those events will be in February, and understanding that time needs to be allowed for booking those venues and making the arrangements. So we do anticipate responding soon to that. Does applicant want to add anything to that, please?

1:08:27

Thank Vicki Fowler on behalf of the applicant. No, sir. And thank you. That's very helpful.

1:08:32

Thank you. So we're just wrapping up on hearings and virtual events of the venue that submissions about the principles of hearings and virtual events, please. Now, right, let's move on to site inspections. a submission from the applicant which I'll try to summarise again. So the applicant considers that all parts of the scheme can be viewed computer and publicly accessible. London does not think that in a company's site inspection will be required. And in response to that, we note the applicants views and I just confirm that we will consider the need for a notice for a company to site inspection, following our consideration of any submissions that have been made by deadline one. And I will clarify deadline one later as we go through the timetable. Does the applicant have anything to add on the question of site inspections, please?

1:09:32

Vicki Fowler on behalf the applicant could No sir. Thank you.

1:09:36

Thank you. Are there any other submissions on the general matters around site inspections, please? I can see your hand been held up by an Robinson please. Dr. Robinson.

1:09:49

Yes, thank you very much Sam Robinson from CPRE. There is no public access to the land to the north of matar more. So before we comment on this particular issue we would ask please that the applicant supply the viewpoint and grid reference from where a full view of where the Eastern portal of the Mottram underpass, and the dual carriageway as it exits from this can be seen.

1:10:15

Is that, Dr. Robinson is that from a viewpoint that the applicant has identified?

1:10:22

No, we haven't been able to see it from the viewpoints supplied. So we were just asking where the applicant would guide us to to see that.

1:10:32

So just to clarify for me, so there is a viewpoint that the applicant is indicating. But you're not clear where that viewpoint is. And you're asking the applicant to set out the location of that pupil.

1:10:50

Apologies, I understand where, where all of your points are, I just don't understand where I can see the Eastern portal of the Mottram underpass, and where the dual carriageway as it exits from it. I haven't found a viewpoint that allows me to do that.

1:11:08

Okay, I think we're into a technical examination Type II see here, so sorry. That's okay. That's okay. It can be confusing. I just invite you to set that out later in your submission, if you would. So, thanks. Thank you. I'm not going to invite the applicant to respond to that one. So let's move on to the website. So, a submission from Mr. Wimberly again, I think Mr. Wimberly is perhaps left the meeting is waiting to rejoin if he could be invited back in please. Mr. Wimberly, I think you left us a bit of just rejoices, your timing is perfect, because I'm just going on to the national infrastructure website. And I'm going to address a point that you've raised, which I'm going to respond to as well. So there's a query from you about what you suggested would be helpful if the relevant representations were searchable. I can demonstrate this if you wish, but the there is a search facility on the website and there's a particular one for relevant representation. So as you go into the relevant representations tab, you will see that there's a filter box and in that filter box, you can enter a search term and that will then deliver you results which highlight which representations that term appears in. So that will allow you to like to find a representation with that term, it won't highlight in the representation the the search text won't be highlighted in the representation unfortunately, that's a limitation of the system at the moment, but you are able to search the relevant representations is would you like me to demonstrate that or is that relatively intuitive I can't see your muted Mr. Wimberly.

1:13:12

I think that might be helpful actually, because demonstrated, yes, please, I'm sorry.

1:13:18

That's okay. That's okay. That was me okay, I'm just going to share my screen give me just bear with me. Okay, so I'm not sharing my screen, I'm just going to find the project site again.

1:14:22

I've already searched for it. Going to the project site. So within the relevant representations tab, which I've just clicked on, so that that allows you to filter by different types of organisation if you like, but there's a filter box there. So if I put in the term climate disruption, which I know has been used and then return on that. Then there are four representations. There including one of your own Mr. Wimberly, which have the term climate disruption within them. You're, you're muted. For that, hopefully, that's helpful. If you'd like

1:15:13

to see that, isn't it? Thank you very much. I just didn't realise that filter is an unusual word. It is it to express that function.

1:15:23

It is which. So I'm glad the explanation was helpful. Okay, thank you. So, we will move on. Dr. Robinson, your hand is raised. I don't know if that's from earlier. If it is from other could you just put it down? Thank you. Mr. Wimberly. Your camera's too long.

1:15:50

Thank you. Right. So making effective submissions. Are there any submissions about the principles of making effective submissions, please? Okay. Right. We're now going to Well, let me consider whether a break is appropriate. So we have been going for an hour and a quarter. I think we probably have. We have Agenda Item four, and five and six remaining. I think that these items will probably take certainly less than an hour, I would suspect. So my question is whether we have a shot I think we should have a short break now because it's an hour and a quarter since the last break. So my question is whether we should have a short break now and then recommence which will be fine for me or whether parties would like to have a break for lunch? And then recommence Are there any thoughts on that? Please.

1:17:13

I'm not seeing that anyone wants to write so I think it would be good to continue. So I'm going to suggest a short break now for 15 minutes. So we will adjourn for that short break will recommence at 1230. So if you're watching the live stream, then again please be aware that it will stop and to view the restarted meeting you'll need to refresh your browser page when we restart so we'll now take a break until 1230. Thank you