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00:07

Hello again, everybody. Good afternoon. So the time is now 12:30pm. And this meeting is restarting. Once again, please could a member of the case team confirm that I can be heard clearly that the live streaming and recording have restarted? Just to repeat? Yes, that's correct. Thank you. Thank you. Once again, also, could I remind all parties to keep your microphone muted and come off until I invite you to speak? Thank you very much. So we're moving on to Agenda Item four, which is the examining authorities remarks on the draft examination timetable. The draft time time timetable, as I said earlier, as set out in Annex A of our letter of the 19th of October 2021. I'm going to go through the timetable item by item, and it will be useful to have it to hand as I do so however, we are going to share it on the screen as I go through it. So please could the case team now share the draft timetable on the screen

01:28

just waiting for the drop down table to be shared. I think it's coming through Thank you. So if we could please track through as I go through each item on on the draft timetable. First of all, and Item four, I'm going to go through and make some general remarks about the timetable. I won't be taking any submissions during item four. But I will be taking submissions, and item five. So there'll be after I've been through, introduce the timetable and emphasise the number of points. So to introduce the timetable, it has to cover a range of possibilities and actually sets out some events that may not actually be necessary. And we will take decisions on the events that will be held as the examination progresses and as we feel that certain steps are required and perhaps not required on occasion. But I think you'll find that the timetable, this draft timetable, and the final version that we issue with the rule eight letter will will be predominantly adhere to those those will be certainly the way that the principles for which we conduct the examination, I'd highlight that it may be possible for us to close the examination earlier than the timetable, timetable date, that is under item 23 that we'll come to later no nature that at the moment. So under item 23 is shown the six month period into the six month period. We may close earlier than the six months. But can't say for certain at this time very much depends on the progress that we make through the examination period. So it is it is possible. And all parties should be aware that after the last timetable deadline or event, which is currently Tuesday, the Third of May, we may decide that the examination is completed. And we will tell you of that at that time. So once the examination is closed, we can't take any further submissions into account. So that's that's why I'm highlighting that we may close earlier than the end of the six month period. Any submissions made to the planning Inspectorate after the examination of clothes will be forwarded to the Secretary of State to deal with and we as the examining authority will not see them. When we write our report, we can only see material that is submitted before the end of the examination and we will only report on that material. So if there are things you want to bring to our attention, please ensure that you do that before the end of the examination. It will really be in your interest to send any information that you'd like us to see as soon as possible in accordance with the deadlines please. All deadlines are at 11:59pm or 2359 if you prefer it that way on the relevant date. So at the very end of the date mentioned that is that is the

deadline for submissions to be made please as I mentioned a timetable isn't set in stone may be amended during the examination and if it is amended will write to all interested parties and should should be amended for any reason. So I'm now going to go through items on the draft timetable. In turn, items one and two, those dates have already passed. And strictly speaking, actually, these are not examination deadlines they they are before the examination happens, but they're included in the draft version to give you a complete set of dates. The following are letter of the 19th of October. So some of those dates were established in that letter, we will be likely to remove items one and two in the examination timetable. Just just to highlight that for you. Item three is this meeting it is before the the examination starts, but it does just kick start the examination process. So we will retain that within the final version. If we could scroll down a little please. Thank you. So both today and tomorrow, currently highlighted for the preliminary meeting. If we can close the meeting today, then tomorrow will not be required. And I will deal with that. At the end of this meeting.

06:14

Item four is the open floor hearing. That was set out in our letter of 19th of October. And that will be held from Thursday. And if required, we'll run into Friday and similar points apply there. If Friday is not required, then then we won't use it and we'll notify appropriately for that. Item five, to following this meeting where we're discussing the examination timetable. We will issue the final Well, I say final subject to latest change, but will will will confirm the examination timetable as soon as practicable after this meeting and and certainly within the next few days. So that will appear in what is known as the rule eight letter. Item six is deadline one. This is the first examination deadline for submissions, and includes deadlines for the submission of written submissions requested after the open floor hearing. So after at the open for hearing later this week, we may request some written submissions from parties. And that would typically be if parties have produced a written version of what they're submitting orally, then we would we would encourage people to submit the written version to us as well. But also deadline one will include comments on the relevant representations that were submitted by the deadline of the 16th of September in which we had a brief look at earlier. So there's an opportunity to comment on those. And for deadline one, please. I'm proposing to amend deadline one, so that it include an opportunity to comment on all submissions received up to Deadline one, since the relevant representations closed. So there's an opportunity to comment not just on the relevant representations, for example, but also on the additional submissions that were received into the accepted into the examination. And in fact, the submissions made under item item one. So that will be clarified. In here. There'll be comments on relevant representations, but also under the submissions that have been received up to this point. That's a technical point really, but hopefully useful one. The this item again, Item six deadline one includes a deadline for parties to notify us of wishes to be heard at hearings. And we've already received. So notification of let me let me make that more specific it's notification of wish to speak at a compulsory acquisition hearing, or an open floor hearing. As I referred to earlier, we've already received a notification that with wish to be heard or to compulsory acquisition hearing. And so a compulsory acquisition hearing will be held in February. However, any other effective persons that would like to request and compulsory acquisition hearing should please write to us to do so as well. If you're not sure whether or not you're an effective person, then then please do us the case team to to clarify that for you. An effective person is in general terms, a party with a direct interest in in Lund. So deadline one provides also for the applicant to submit various documents to us. And there are other opportunities throughout the examination process for the applicant to submit updates to the documents.

I hope that each of them makes sense some of them, I'm sure do and some we can explain if required later. But the invitation is submitted updates to the draft development consent or expansion memorandum book of reference damage of reasons they should all be clearer. And we anticipate that those will be developing during the examination. And we're keen to keep abreast of any updates on those and to see evidence of progress with those, and to have those latest versions within the examination for ourselves as examining authority, but also for the benefit of other parties. In general terms any submissions received after a deadline in the timetable may not be accepted. So it's up to our discretion as to whether we accept any late submissions. So I would strongly urge you to adhere to the timetable and the deadlines please, to avoid us getting into that situation. If we can move down then to item seven, please.

11:16

So this is when we will give notification of any hearings, or accompanied site inspection that is to be held on the under the items under item 11. We'll come to item 11 shortly. But you will see that we're notifying notifying of the date time and place of hearings in February. We're notifying of an accompany site inspection if one is required at that point. Those notifications of hearings will also include any requirements for parties to register to make an oral submission at those hearings. So it'll set out the process in a similar way to the process to register to make an oral submission at today's meeting. So we'll repeat that for the later hearings. And again, many parties may may simply wish to follows the delay stream or look at the recording of the hearing. But there will be the opportunity to register make another submission. So I've just said the information that we publish with the notification will include perhaps an outline agenda, but certainly information on the overall scope of the hearing. So that parties can make an informed decision about whether they would like to make a submission or watch the live stream or recording. As I mentioned before a compulsory acquisition hearing will be held as we've already received notification wish to be heard at one the need to hold another open floor hearing. So by another I mean, an open floor hearing after the ones that have been arranged for this week. Or for an accompany site inspection to be held will depend on whether we receive any notifications under item six. And and in fact, we may decide to hold an open floor hearing on a company site inspection for our own reasons. Deadlines seven also includes the publication of our first written questions which are referred to earlier. Item 80 For good again, scroll down a little please. This is a rather important deadline. That includes many of the key written submissions from different parties for the examination. So it does include a deadline for responses to the first written questions. And we've allowed within the draft timetable for weeks for responses to questions, and that that includes some allowance for the Christmas and New Year holiday period. We'll come back to that later because there has been a submission on that matter. This deadline author includes submissions and written representations, which are referred to several times earlier, there's a very important the local impact reports which are referred to earlier from the local authorities and the various statements of common ground. And I'll come back to some of those later. Just some general points on this stage of the the timetable, so local authorities will note that deadline to include for both local impact report and written representations. So obviously it's for local authorities to decide what to include in their written representations. However, I would just suggest that there's no need for the written representations from local authorities to repeat anything thing that is in the local impact report. And in fact, it may be possible that the local impact report could include the vast majority of information that the local authorities wish to submit at that time. And that may enable the written representations from local authorities to be very concise. So I'll just

leave their statements on the table and obviously leave the local authorities to decide what they would like to include in their written representations. But perhaps some of that guidance might be helpful for you in terms of being efficient with your written submissions. I do recognise that deadline two will be very demanding for many parties, and a number of parties will be contributing to a number of their different documents.

15:56

I would strongly encourage relevant parties to make substantial progress on written representations, local impact reports and statements of common ground before the first written questions are published on the 17th of December 2021. Otherwise, those parties will be trying to deal with all of those different submissions at the same time. Part of which includes the Christmas period. So my strong advice is to try and make as much progress as you can on the other areas before the first written questions are, are published. I've already highlighted that, there'll be many questions, and I've set out some of the principles for those questions. But we would appreciate that as much time as made available as possible for answering the questions. Although we don't want to shortcut work on written representations and local impacts, reports and statements of common ground. So please, I would encourage you to make progress way Can I Denine for can move down. Should be self explanatory, it repeats. Some of the matter have already described. It does include a deadline for requests to make all submissions at hearings in February, which are referred to previously. And I just like to say that the submissions received at this deadline, deadline three will be considered when we decide what we'd like to cover in the issue specific hearing. So everything up to including deadline three will use to decide on our topics for this shoe specific hearings. Item 10, then, if we can continue to scroll down is when we will issue detailed agendas for the hearings. And those will be of a similar level of detail, perhaps we'll have, let's say a similar level of detail for the hearing. For this meeting, we would look to include that similar level of detail in the agenda for this those issues specific compulsory acquisition and open floor hearings. If those so those agendas should be sufficiently detailed to allow everybody to complete their final preparations for the hearings and make final decisions about who should attend those hearings. We're obviously very keen to have the relevant experts attend those events, it makes them far more useful if if we can have the relevant experts from from the applicant from the local authorities from statutory bodies, and from other parties as well. So hopefully, that will help you to ensure the necessary people can take part. If hearings are not required, then we will look to cancel them comfortably in advance as their timetable date. And and we'll aim to cancel at least a week before the timetable date. If if any hearings are not required. Item 11 then so the need for these hearings and accompany Saxon spec session will depend on the progress of the examination and on the receipt of cations and Item six are referred to earlier. So scrolling down again, please items 12 and 13 should be self explanatory. They include some of the matters that I've described before, and items 14 To 1914 to 19. You won't be able to see them all on the screen. But essentially these include further cycles of written questions. So the second set of written questions and a second cycle of hearings and those signs calls will very much follow the principles that I've been through already for the first questions and the first set of hearings. Item 17. Sorry, if we just go up item 17. Worth noting that that is when we will issue the report and implications for European site, if that's required. And that will be in good time for any comments to be made on that report, which appears later in the in the timetable, item 20. This is when we will, as the examining authority issue our shedule of changes to the draft development consent order, which up to that point would have been developed by the applicant.

20:52

So we've already highlighted when we request the applicant to provide updates of the draft development consent order. And within the timetable that item 15 No need to scroll that to that. We ask for the applicant to submit their final version of the draft development consent order an explanatory memorandum. So that is in time for us to produce an hour sheduled of changes to the draft development consent order, and to allow time for parties to comment on our schedule of changes. So it's at that point that our if you like version of the development consent order is made available. Items 21 and 22. Should be to be self explanatory, if we can scroll down to those please. And you will see that we start to request the applicants final version of documents under item 21. Those are the documents that we've requested. I haven't gone through in any detail the final three bullet points under item 21, which appear on some of the previous deadlines. So progress regarding compulsory acquisition, temporary possession, voluntary agreements and objections. So we've progressed securing other consents, and then track us to identify the latest versions of the applicants submission documents, I can I can highlight what is meant by those. But I'm mindful that the applicant will produce similar documents further further examination. So I hope that's all very self explanatory, but I'm happy to go through those in more detail if that if that would be helpful. And for any party, in fact. So item 23, I've already covered so we may decide the examination is complete at any time after the last deadline, which is the Third of May.

22:50

And as soon as we do, close the examination, complete the examination, all parties will be notified of that. So if we could stop sharing the draft examination timetable, please. Thank you. So that completes agenda item four. And I'm now going to move on to Agenda Item five, which is submissions on the draft examination timetable. So following a similar routine to earlier, I'm now going to take through submissions on the draft examination timetable in the order set out in the agenda item five, with the exception of the submission from Haley Simpson, was dealt with earlier. I don't think there's a need to share the agenda at this moment. So there's the one submission, written submission from the applicant, which I'm going to address shortly. And let me go let me just go through this sequence that we're going to go through things and cover the house keeping arrangements again. So once again, when I invite you to speak, please unmute your microphone. And if you're comfortable to switch on your camera. Do remember to switch off again, we now move to the next speaker, please, each time that you speak and remind you please give your name and if appropriate organisation for the formal record. And again, please direct all comments questions and answers through me rather than directly to another party. So I'm going to deal with the written submission. I'll summarise the written submission, provide a response to it and then invite to the party making a written submission to add anything before I then invite any other oral submissions on the examination timetable. So we've dealt with the submission from Haley Simpson. There's also as I mentioned, a submission from the applicant and I'm going to take that in two parts. So I'm going to summarise each part give a response and then having done that for both parts, we'll invite the applicant to respond. So the first part is The applicants submission. In summary, the applicant has noted that the draft examination timetable includes for the examining authorities first written questions to be published on Friday the 17th of December. And for answers on that to be submitted by Friday, the 14th of January. Noting the Christmas and New Year holiday season forms a significant part of this period. The applicant requests that the first written

questions be published earlier in the timetable, ideally on Friday, the 10th of December to allow more time for responses. And so the response to that is that when we put the draft timetable together, and we've tried to allow enough time for all parties and for ourselves at each stage, given that we're limited to six months for the examination that inevitably results in some compromise being required. There's a lot to be covered during the examination, I recognise that some of the periods of tight we need to bear in mind that changing one date can easily have a significant knock on effect on other dates. We provided four weeks for responses to our first written questions to allow for the holiday period. The applicant is asked for more time by pulling the date for publishing questions for by one week to the 10th of December. We are unable to do that for all questions, because that would not give us as they're going through enough time to prepare the questions. Especially given that we will need to consider the submissions made at deadline one on the first of December, and that there is little time from that to the 10th of December. As you'll appreciate, however, I recognise the value of the responses to our questions be well considered, and keen to try and find a way to build in some more time. For responses to questions. Therefore, I'd like to suggest that we publish a draft of our questions on the 10th of December, with the final version been issued on the 17th of December. And just need to qualify a little bit the draft will not include all of the questions that will appear in the final version. And some of the draft questions are likely to be changed before the 17th of December. However, I am confident that we would be able to issue a significant proportion of our questions with the draft version. And that makes me confident that doing that will help parties to make the earliest possible start on their responses. So that is quite a lengthy response. However, I am still going to ask the applicant to respond after I've been through both matters. The second matter raised by the applicant is and I will try to summarise again. The applicant notes that draft examination, the draft examination timetable requires written representations to be submitted by deadline to on the 14th of January. And that comments on the submissions made at deadlines one and two are due on Wednesday the 26th of January, the applicant has raised a concern that a number of written written representations may be of a similar magnitude to the 911 relevant representations that were received. And therefore the applicant has requested that the deadline for comments on the written representations be extended from the 26th of January to the fourth of February 2022 And for the applicant to provide as comprehensive a response as possible. So response to that is that I'd like to make two suggestions. So the first is to bring forward the date for comments on submissions for deadline one, from deadline to as currently indicated to sorry, from deadlines. Let me start again. Our first submission is to bring forward the date for comments on submissions for deadline one from deadline three, as it currently is, as is currently indicated to deadline to so that would relieve some of the pressure at deadline three and give more parties more time to consider the comments on submissions for deadline one. The number of written representations and the number of different issues that may be raised are difficult to predict at this stage. A search the time allowed for in the draft team timetable for comments on written representations by deadline three on the 26th of January 2022 may yet prove to be reasonable I'm concerned that delaying the date for comments on written representations to fourth of February 2022 would not allow them to be considered for the hearing agendas, which are to be published on the 31st of January 2022. And also, there may or may not be reasonable time for parties to consider comments on written representations in time for the hearings, if they are produced on the fourth of February 2022. Against that background, I suggest that deadline three remains is currently indicated. And I feel sure that the applicant will make every effort to provide all or as many as possible of his comments on written representations at that time, so that it can be considered in time for the hearings and to maintain good progress. However, I also suggest that

adding I also suggest adding another item to deadline for on the 14th of February 2022, which is after the hearings for any outstanding comments on written representations received for deadline to so if the applicant under the parties are not able to provide all comments on written representations at deadline three, they are free to provide those at deadline for that will provide some flexibility, in case the number of written representations is of a similar magnitude to the number of relevant representations. And we would obviously consider any deadline for submissions for our second written questions. So there are there are there are some suggestions on a way forward, which I hope are helpful. I'm happy to go through any of those if needed. But in the meantime, would the applicant like to add anything, please? Vicki Fowler on behalf of the applicant. Thank you, sir, on both of those points, those compromises appreciated greatly. That'd be very helpful. Thank you. Okay, thank you. Would any other parties like to comment on those specific points? No, thank you. Other any other submission? Oh, sorry. Mr. Wimberly, please. I think your microphone may be off Mr. Wimberly.

32:43

All right, cool.

32:45

Thank you. Yes, yes.

32:49

I'm not sure if these questions fit now, but I think they do. The first thing is, first question I've written down to myself, What happens if local authorities or people in a similar position maybe the applicant as well, what happens if they're late on any deadline? You may find clear that one cannot be late for a deadline. However, I can foresee maybe problems with deadlines. And I just wonder where you stand on that kind of thing. Officials or private individuals have been late on deadlines. I give them that with as you as you had to go through these shuffling the deadlines around trying to fit it all in. So that would be my first question. Maybe one questions attack.

33:36

Okay. Thank you. So I, as I said earlier, if parties are late to the deadlines, then we may not accept those submissions if they're late. So we would like to encourage parties to make every effort to meet the deadlines. However, we do have discretion to accept those deadlines if we choose to. So in practice, we'd look at each submission that is late and decide whether or not we can accept it.

34:09

I'm aware of the issue of too big to fail. If, for instance, the applicant was to be late with a deadline or a major utility or something like that it was essential. I'm I have absolutely no question about how that would really pan out in the process

34:36

will certainly be fair Mr. Wimberly to and to all parties will be

34:45

now, item 11 on the on the scroll down for dates for the first round of hearing sad, right. Is that the sort of the final tally or Is that could that be if you were to decide that you needed more sh is the issue specific hearings? Would you extend those? Or was that the four dates? Or could you comment on that?

35:14

Those are the four dates. So so we haven't decided how those dates would be used. It may be that there's issues specific hearings, it's likely that there'll be issues specific hearings on more than one day. So we'll we'll look at the balance of how much time to take for each hearing closer to the time. It very much depends on how much we need to keep we feel we need to cover in each one of those different types of hearing. But from experience, for the project we have in front of us, then, very much consider that allowing those four days at this stage is appropriate. There is the potential for a second round of hearings later in the process. And I think it's fair to say we'll be likely to use the second round to some degree. But yes, at this stage, those those are the four dates that that we're anticipating using for the first round.

36:17

Okay. I think that's all I have. Now, I did find the deadlines, one, two, and three actually got lost, but I'm not sure that is relevant to my particular position. But it was just a bit hairy about the comments and the comments on the comments. And whether there is actually enough time, this whole proceeding, and you've mentioned that several times. Now, the the time constraint is so severe. We're just so I suppose I'm asked you to comment on the record about that. Because it does seem really quite difficult to get it all in allowing, as you said, allowing for people to provide good responses, good quality responses that will help you.

37:08

It's the the period is established legally, we will follow the period it is a period that's been applied to far lighter, more complex cases than this one. And I don't think I want to comment any more than that. I think the the timetable feels a sensible timetable to me most certainly. But it is demanding. It's demanding for everybody. And you know, it is I do very much encourage people to engage in accordance with it as much as possible. Mr. Wimberly, thank you for your comments. Are there any other submissions on the examination timetable, please, I can see. I think your hand is still up Mr. Wimberly. Thank you. I can't see any other comments. Thank you very much. Let's move them on to your cameras Dylan, Mr. Wimberly. Thank you. So agenda item six, any other matters? Is there anything else that anyone wishes to raise within the scope of this preliminary meeting in relation to the examination process timetable, or the draft examination timetable? No, thank you. As soon as, as is practicable after this meeting, we'll send the rule letter out to all interested parties and published up to the website to confirm the examination, timetable, and any other procedural decisions that may be necessary following this meeting. This letter, the notes of this meeting, and the recording will all be published on our website as soon as practicable. OpenFlow hearing one will start at 10am. On Thursday, the arrangements conference will start at 9:30am. I believe that we have now covered all the items on the agenda, excuse me. I can now confirm therefore this meeting does not need to run into tomorrow. And therefore the date reserved for tomorrow is not required. We'll confirm that on the website as soon as possible. And but please don't try to attend this event tomorrow because it won't be

held. Thank you. So we have I think run a little bit later than I was anticipating anticipating. But thank you very much for all of the contributions. I appreciate those. I hope that you found this helpful as well. So all that remains then is for me to say thank you for all of your help and assistance today and for bearing with us through the virtual events using the tools And I wish you all the very best until we need to get in this preliminary meeting is now closed Thank you