



Preliminary Meeting Note

Summary of Key Points Discussed and Advice Given

| | |
|--------------------|---|
| Application | A303 Sparkford to Ilchester Dualling |
| Reference | TR010036 |
| Date | 12 December 2018 |
| Venue | Council Chamber A & B, South Somerset District Council, Brympton Way, Yeovil, Somerset, BA20 2HT |

This meeting note is not a full transcript of the Preliminary Meeting. It is a summary of the key points discussed and responses given. An audio recording of the event is available on the National Infrastructure Planning website.

1. Welcome and Introduction

The meeting opened at 10.00

Lesley Coffey (LC) introduced herself as the Panel lead, welcomed those present and opened the Preliminary Meeting (PM) to consider procedural arrangements for the examination of the application for the Development Consent Order (DCO) for the construction of a continuous dual carriageway on the A303 linking the Podimore Roundabout and the Sparkford Bypass. **LC** explained that she is a chartered Town Planner and Member of the Chartered Institute of Wastes Management.

LC explained her appointment to be the lead member of the Panel of two Inspectors that will examine, report upon and make a recommendation to the Secretary Of State (SoS) for Transport on the application by Highways England for an Order granting development consent for the A303 Sparkford to Ilchester Dualling project.

Robert Jackson (RJ) introduced himself as the second member of the panel and explained he is also a Chartered Town Planner and also a member of the Chartered Management Institute.

LC introduced her colleagues from the Planning Inspectorate (PINS), who will be working on this examination. Michele Gregory is the Case Manager leading the PINS case team for this application, Dean Alford is the Case Officer. **LC** advised that a written note of the PM will be taken and reviewed prior to being published on the PINS website as soon as practicable after the meeting.

LC explained that there were no fire drills expected but asked if anyone present would need assistance in case of an emergency. **LC** also advised attendees of where the toilets are located.

LC explained that the application falls to be considered as a Nationally Significant Infrastructure Project under the regime covered by the PA2008 and that a summary of proposals are as follows:

- i. The provision of a new dual carriageway
- ii. A new junction at Camel Cross (Camel Cross Junction)
- iii. new junction at Downhead (Downhead Junction)
- iv. A new junction at Hazlegrove (Hazlegrove Junction)
- v. Changes to the local road network
- vi. Changes to the local rights of way network
- vii. Two new bridges
- viii. The provision of road lighting
- ix. The provision of drainage systems to drain the proposed carriageways and adjacent land
- x. Updated traffic signs and road markings

LC explained that in principle, the Act allows for all of these components to be included within a single application for a Nationally Significant Infrastructure Project. If approved there would be one Development Consent Order covering all elements.

LC explained that the role of the Planning Inspectorate is to examine the application and make a report and recommendations to the Secretary of State for Transport. As the Examining Authority (ExA) we have 6 months to examine the proposal and 3 months to consider and produce our report. The Secretary of State has another 3 months to make a decision.

LC advised that the purpose of the PM is to consider the process that will be followed in conducting the examination. The meeting is not to discuss the substance of the proposal or the merits or

disadvantages of the scheme as this is for the examination itself so this will not be heard at this point.

LC explained that the initial examination proposals were sent out in the letter of 14 November 2018. This meeting is an opportunity to influence the process. The process of the examination will be discussed including the proposed timetable set out in Annex C of the letter of 14 November. The agenda for this meeting is set out in Annex A.

LC advised that the expectation would be to complete the meeting by lunchtime though the meeting would reconvene if necessary. A short mid-morning break would be taken depending on the progress of the meeting.

LC advised that all meetings and hearings associated with National Infrastructure examinations are digitally recorded. This is why microphones are on the tables at the front of the room. The recordings are uploaded onto the national infrastructure website documents page for this project. Recordings are taken so that any member of the public who is interested in the application and the examination can find out what happened, whether they are able to attend a meeting or not. **LC** advised that because the digital recordings made are retained and published, they form a public record that can contain personal information and to which the General Data Protection Regulations (GDPR) applies. The Planning Inspectorate's practice is to retain and publish the recordings for a period of 5 years from the Secretary of State's decision on the Development Consent Order (DCO). Therefore, it is important that attendees understand that if you participate in the hearing process, you will be recorded and that you consent to the retention and publication of the digital recording.

LC explained that the panel will only ever ask for information to be placed on the public record that is important and relevant to the examination. It will only be in the rarest of circumstances that the panel would ask you to provide personal information of the type that most of us would prefer to keep private or confidential. But to avoid the need to edit the digital recordings, the panel would ask that speakers try to avoid adding information to the public record that they wish to be kept private and confidential. If it is genuinely considered that there is no alternative to the disclosure of such information, the panel will agree a process to allow speakers to provide information.

LC asked if there were any press present to which no-one replied.

LC requested that all speakers use a microphone when speaking and to clearly indicate names and the organisations they represent. If speaking more than once, **LC** requested that speakers indicate names and organisations each time as this will make it easier to follow the audio recording. A roaming microphone is also available for parties not sitting at the table who wish to speak.

LC checked if anyone present intended to film or record the meeting and reminded attendees that filming or recording should be done in a way that does not distract from or interrupt the proceedings. No one responded.

LC requested introductions from anyone who considers that they might need to participate in the examination, either on their own behalf, or representing another person or organisation. **LC** advised that attendees attending just to observe or to support another person who is intending do not need to be introduced. For introductions, **LC** requested that participants introduce themselves and who they represent and to briefly summarise their interest in the application – for example – a landowner affected by a compulsory acquisition proposal, a local authority for the area, or a member of the Parish Council, or statutory body, or any other party who has made a relevant representation.

LC explained that if attendees have informed PINS of their wish to speak at this meeting, she will verify this when each introduction is made and briefly confirm the items the attendee has advised they intend to speak on.

LC advised attendees that if they wish to ask any questions outside the scope of the meeting then the case team present are the people to approach. **LC** advised that attendees cannot speak directly to either of the ExA panel in the interests of fairness and impartiality. Interested parties can find information about the application and the documents produced for this examination on the national infrastructure planning website. There is a specific project page for this scheme and further pages that set out examination procedure, the timetable, relevant representations and examination documents. **LC** advised attendees that they could search the internet for 'infrastructure planning inspectorate' or 'A303 Sparkford to Ilchester Dualling Scheme' to find the national infrastructure planning website and the relevant project page. The panel would encourage interested parties to visit the website because the project pages will be used to communicate and provide access to documents throughout the examination. **LC** advised interested parties who do not have access to a computer that information about the application and the examination can be viewed by using computers at Yeovil Library, King George Street, Yeovil BA20 1PY.

LC advised that Annex D to the letter of 14 November 2018 provides addresses and opening hours of these facilities.

RJ requested participants who consider that they may need to participate in the examination introduce themselves and the organisations they represent in the following order:

The applicant (Highways England) – Julian Boswall (**JB**) solicitor and partner with Burgess Salmon representing the applicant Highways England. Hannah Sanderson (project manager for HE leading on the project), Alex Murphy (Mott McDonald leading on the consultancy) there are other colleagues of HE and Mott McDonald present as part of the applicants team who **JB** did not introduce individually.

Somerset County Council – Andy Coupe, mentioned there are other colleagues present who will not need to speak. To talk on the initial assessment of principle issues and the timetable.

South Somerset District Council – Joanna Manley, Sarah Hickey (legal support). To talk on the initial assessment of principle issues and the timetable.

Queen Camel Parish Council – John Brendan, Chairman of parish council at Queen Camel. Have a number of representations to make on the Hazelgrove junction, the parallel road and the traffic management scheme. Brian Norman will be supporting.

Sparkford Parish Council (Cllr Larry Piper) – Trevor Tuck, vice chairman will talk on provision of non-motorised effects and also mitigation of traffic calming of the surrounding areas.

West Camel Parish Council (Cllr Barry Gadsden chairman, Mr Les Stevens (Clerk)) – here to talk about the process and whether the alterations requested have actually been considered.

Wiltshire Council (Karen Jones) – observational capacity only

Devon County Council (Hannah Clark) - observational capacity only

Historic England (Beth Harris) – with a colleague observational capacity only

Environment Agency (Dave Pring) - observational capacity only

County Cllr Mike Lewis – County councillor for the communities both north and south of the A303 between Sparkford and Podimore,

represent Podimore also district councillor who represents the communities to the south of the A303 Sparkford to Podimore, Sparkford Queen Camel and West Camel wish to talk about transport and in particular HGV and whether PINS considered pre commencement of the A303 and the impact on the communities prior to the commencement of any project in the future.

Mr Phil Gamble – as himself and resident of West Camel to observe.

Mr Bryan Norman - as himself intend to produce evidence relating to the design of the Hazelgrove junction and the parallel road and in connection to these 2 have the authority to speak on behalf the three parish councils Sparkford, West Camel and Queen Camel and has also spoken to Hazelgrove school.

Mr Paul Griffiths - observe

Mr Allan Tingley – not present

Mr James March Smith (Sparkford Hall) – owner of Sparkford Hall request to enter into an SoCG with the applicant and hope to add this request to the agenda.

Mr Benjamin Turner (Camel Hill Farm) – farmer and landowner on the north side of the A303 Queen Camel.

Friends of the Earth (Mike Birkin) – south west office issue of cumulative environment and traffic impacts on the A303 corridor as a whole.

The National Trust (Katherine Ryan) - observational capacity only

South Somerset Bridleways Association (Sarah Bucks) – chair to observe only.

The British Horse Society (Mark Weston) – not present

All parties introduced themselves and confirmed whether or not they wish to speak.

RJ requested whether anyone else who wishes to speak who was not on the list of attendees. No one responded.

RJ wished to address the pronunciation of the Hazlegrove/ or Hazelgrove junction as the spelling on the name on most documents is set out as Hazlegrove, but the existing roundabout sign on the

A303 sets it out as Hazelgrove, and the statutory listings issued by Heritage England use both.

RJ wished to clarify the spelling as this may alter with the context/location, but the panel would like to clarify the situation.

John Brendan of Queen Camel Parish Council having known Queen Camel and Hazlegrove all this life confirmed the spelling is with an "le" and not "el" and is pronounced Hazlegrove. All parties present agreed.

LC briefly outlined the approach that the ExA will follow in examining the application explaining that under the Act, it is for the ExA to decide how the examination takes place, within the framework of the Act, regulations and government guidance. The Government has set out policy in a number of national policy statements (NPS). The primary one is the National Policy Statement for National Networks. This provides planning guidance for promoters of nationally significant infrastructure projects on the road and rail networks.

It is not the role of the ExA to consider the merits of these policies. The ExA will consider the merits of the application within the parameters of the policy statements and make a recommendation to the Secretary of State (SoS). The Act makes it clear that the SoS 'must decide the application in accordance with any relevant NPS' (S104(3)) subject to certain provisos.

Essentially, this means that the application must not breach legal obligations, including international obligations, and any adverse impacts of the proposed development must not outweigh its benefits.

The process is to be inquisitorial and not adversarial. Cross examination will not normally be allowed. The role as the ExA is to focus on evidence and justification rather than assertion. Whilst it is appropriate at the Relevant Representation stage for issues of concern to be listed, all such concerns must be substantiated by clear evidence once the examination begins.

The examination process is primarily a written process. The main body of evidence informing judgements and recommendations will come from the written representations, responses to written representations; Local Impact Reports submitted by local authorities, Statements of Common Ground and answers to questions that we may ask as the ExA. It is the responsibility of the ExA to probe, test and assess the evidence.

Representations or responses should clearly set out support or objection to the application. Representations should indicate the parts of the application in which there is agreement or disagreement. Reasons should be given where there is disagreement.

There is scope for a number of different hearings:

a) Open Floor Hearings (OFH). Any Interested Party (IP) may request an OFH. Thus all IPs will have the opportunity to make oral representations about the application. As indicated in the draft timetable, the ExA are proposing to hold an OFH on the afternoon following the PM. Further OFHs will be held if necessary.

b) Issue Specific Hearings (ISH). It is for the ExA to decide whether to hold ISHs and what topics they should cover. Hearings will be held if the ExA decide it is necessary to ensure adequate examination of an issue or to provide an IP with a fair chance to put its case. If any such hearings are held the expectation is that the ExA will ask the questions and that an agenda will be published about a week in advance. The questions may be broad or specific. If, exceptionally, the ExA consider that cross examination may be necessary the relevant parties would be notified in advance. The draft timetable includes proposals to hold ISHs into various matters and the draft development consent order (dDCO) in the last week of February 2019.

It is important to note that any hearing relating to the dDCO will be held on a without prejudice basis. The holding of such a hearing does not imply that the ExA have reached any judgements or conclusions about whether an Order should be made. Irrespective of the ExA recommendations, it is necessary for the ExA to provide the SoS with a dDCO that is fit for purpose in the event that the SoS determines that consent should be granted. So, even if one is opposed to the proposal, one would not be compromising one's position by engaging in the process by suggesting modifications and amendments to the draft DCO.

c) A third form of hearing relates to the Compulsory Acquisition (CA) of land and rights. The A303 Sparkford to Ilchester Dualling scheme dDCO provides for CA. Anyone whose land or rights may be affected by CA has a right to be heard. The ExA have included a CA hearing in the examination timetable and a deadline for requests to be heard.

d) Site inspections (SI). As part of the examination process the ExA shall be conducting SIs. There will be both unaccompanied (USI) and accompanied site inspections (ASI). The purpose of these is to see features of the proposal within the context of the evidence put forward.

The ExA carried out an USI to the area on 17 October 2018 to familiarize with the Application site and surrounding area. The ExA will publish a note of that USI shortly.

The ExA have set aside dates for ASIs within the draft examination timetable.

LC emphasised that the ExA cannot hear evidence or listen to submissions during a SIs. There will be the opportunity to point out features referred to in the evidence but not to provide further comment. IPs proposing site inspections should identify relevant features that the ExA should see and briefly explain why these features are relevant.

LC stated that there is a deadline in the timetable for IPs to notify the ExA of their wish to attend an inspection. IPs should note that they will not otherwise have an opportunity to attend.

RJ explained that procedural decisions already made by the ExA are set out at Annex E of the letter of 14 November 2018. These relate to the formal acceptance by the ExA of material submitted by the applicant and other parties during pre-examination. The documents have been published on the A303 Sparkford to Ilchester Dualling project page.

The ExA have subsequently made a procedural decision to accept representations from Devon County Council as an Interested Party and from the Peninsula Transport Shadow Sub-National Transport Body as an "other" party.

RJ explained that any comments on these documents should be made as part of interested parties' representations by Deadline 1 of the examination timetables by Friday 11 January 2019.

RJ explained that in Annex G of the 14 November 2018 letter the ExA have requested a series of Statements of Common Ground (SoCG) between the applicant and various parties on different topics. These statements should assist the ExA in their consideration of the issues on which the ExA need to report. **RJ** emphasised the importance of these documents in the examination process because they should provide a focus and save time by identifying matters which are not in dispute or need not be the subject of further evidence. SoCGs can be equally useful in indicating where and why there may be disagreement.

RJ stated that there was a query from the Queen Camel, Sparkford and West Camel Parish Councils as to whether there should be a single SoCG or one with each parish council. **RJ** confirmed that the ExA are happy with either approach.

RJ explained that the ExA have also had a request from Mr March Smith that a SoCG be prepared between himself and the applicant.

RJ explained that the ExA would like to understand why Mr March Smith considers a SoCG to be desirable and requested to hear from both Mr March Smith and the applicant on this matter.

Mr March Smith provided the ExA with an overview of his reasons why he feels a SoCG between his organisation and the applicant would be useful. Basically, Mr March Smith understands that noise surveys have been carried out but they cannot see anywhere on the results of the survey any analysis on the traffic flowing from the old road to the new road and the change of road surface from the current road surface to a low noise road surface is going to be about 100-200 metres outside his property which is a wedding venue and conference centre function space, the owners are very concerned that there will be an impact on the change of road surface in terms of audibility of the scheme than it would be of a continuous road surface because they experience a road surface noise at the moment which is just a continuous hum,

LC explained to Mr March Smith that the PM is not about explaining his reasons for his representation but more on the point as to why he feels a SoCG is necessary between his party and the applicant.

Mr March Smith explained that his party have requested to meet with the applicant on a number of occasions and confirmed that they have met some of the applicant's representatives; however, having discussed their concerns with the applicant Mr March Smith feels that none of their concerns have been addressed. The applicant has listened to the concerns but has not agreed anything and have also refused Mr March Smith's requests to enter into a SoCG.

RJ therefore requested that the applicant provide the ExA with their comments on Mr March Smiths request.

Julian Boswall (**JB**) on behalf of Highways England wished to point out that the applicant has received requests from other parties in addition to Mr March Smiths request for SoCGs and highlighted the fact that SoCGs are time consuming and the applicant feels this time should be utilised for more important matters relating to the application. **JB** explained that there is a balancing act in producing SoCG and it is known that NSIP examinations is principally a written process and each party submits their individual representations and then there is an opportunity for all parties to respond. The ExA will ask written questions based on these representations and the responses to the representations and the ExA are then rightly informed by these representations right from the start of the examination. **JB** went on to explain that there is then a balancing

judgement as to whether a SoCG between certain parties will assist that written process or not, because those issues are going to be aired in a paramount of detail regardless. **JB** advised that the approach normally taken by HE is not to get into SoCG with landowners and so at the moment the ExA have asked for SoCG with the Church Commissioners, Mr and Mrs Walton of Long Hazel Park and a SoCG with Mr March Smith another landowner would not be sufficient use of the applicants time. **JB** explained that there is sufficient representation between the applicant and Mr March Smith which will play out in the project examination and the applicant feels it is not a sufficiently useful exercise to engage in a SoCG all of which is going to do is to record the areas of disagreement between the applicant and Mr March Smith that are already on the face of the record and will be emphasised in the normal examination process.

LC asked the applicant if they feel these matters can be addressed in the examination questions and the written evidence and therefore feel there a SoCG is not necessary.

JB confirmed that this is correct. Mr March Smith on behalf of Sparkford Hall has submitted a representation and the applicant will be responding to all representations submitted by deadline 1 in the examination timetable. **JB** agreed that there is a difference of opinion with regard to traffic noise, however, the applicant feel that the concerns raised by Mr March Smith can be dealt with in the examination.

Mr March Smith confirmed that he would be content with this approach as long as it is deemed that noise mitigation can be entered into by the applicant.

RJ responded by asking the applicant to comment on whether other SoCG with other parties were appropriate.

JB explained that the applicant fully accepts that SoCG are valuable tools when used appropriately and also accept that sometimes there is difference of opinion as to whether they are the best use of effort at particular stages in an examination and **JB** confirmed that the applicant is making good progress on most but not all of the other SoCG listed. **JB** commented on the joint SoCG for the parish councils as discussed earlier in the meeting and the applicant is conscious that there is a fourth parish council to this application which is Yeovilton parish council. **JB** confirmed that the applicant has submitted a high level draft SoCG to all four parish councils and the applicant is aware of the joint SoCG for the three parish councils West Camel, Queen Camel and Sparkford wanting to do a joint

SoCG, however, the reality is that the three parish councils agree on certain things but there is inevitably things in particular to their area so the applicant would suggest that it should be a four way SoCG which had headline positions which were generally agreed and had different sections which were particular to each of the parish councils. **JB** explained that the applicant accepts that this is something that will not be agreed immediately but would like to make the ExA aware that the applicant will explore this approach. **JB** explained that the applicant would much prefer not to do a SoCG with the Church Commissioners and Mr and Mrs Walton as HE don't normally do this with landowners and the applicant is having to balance an awful lot of effort to hit various deadlines, the applicant doesn't think that SoCG with these parties would assist beyond what is going to come out from the other processes. **JB** finally regarding the statutory undertakers the applicant is in constructive engagement with all of these parties particularly around the protected provisions that would appear at the end of the dDCO and possible private side agreements to sit alongside. Again the applicant doesn't think from their perspective that SoCG would assist the ExA much and would prefer not going into SoCG with statutory undertakers.

RJ asked whether Mr Walton would like to comment following the applicants comments.

Mr Alan Walton explained that he is the director and company secretary of Long Hazel Lodges Limited and a partner in the Long Hazel holiday park in Sparkford Mr Walton confirmed that they have had negotiations and talks with Sparkford Hall about the road surface concerns, Mr Walton confirmed that Long Hazel Park have been invited to enter into a SoCG with the applicant and one of the points they have mentioned is the road surface change and Mr Walton confirmed that Long Hazel Park have submitted a comprehensive response to PINS request for information prior to the PM Mr Walton requested that the SoCG with Long Hazel Park should go ahead as he feels this is very important point in this development.

JB gave his perspective of what a SoCG is and explained that the document is just a device for setting out more clearly where parties agree and disagree which is going to be apparent anyway from representations and the responses to those representations. **JB** explained that sometimes its written as a narrative sort of document with columns and sometimes it's more of a skeleton table which just lists issues and then it's putting a position and indicating whether there is an agreement or a disagreement on the issues and the idea is that it can but not always take up effort which could be

more suitably used to thrash out issues more substantively and it playing out in this form and this is the reason why the applicant is taking a firm position on the need for SoCG. **JB** explained that he hasn't had a chance to look at the document submitted by Mr Alan Walton but a colleague from HE has looked at the document and for what it's worth the document referred to isn't set out as a SoCG it's in the nature of submissions about noise. **JB** reiterated that the applicant's position remains on balance that it is better to let the issues play out by way of written representation rather than having additional offline engagement in trying to put this into a structured forum when the issues are going to be sufficiently clear by the submissions.

Mr Walton of Long Hazel Park responded to the applicant's comments by adding that a significant report has been made by a noise expert and this report has been served on the applicant, if a SoCG is to be prepared this may well feature in the examination and save on the expense of the expert being called upon to attend a hearing and this is one of the main reasons why a SoCG should be submitted as part of the examination.

RJ asked whether there was any representative from the Church Commissions present as the organisation have requested a SoCG also. No representative was present.

Mr March Smith suggested that as Long Hazel Park and Sparkford Hall have similar issues with road noise and they are neighbours, would it be more appropriate for the two to get together and submit a joint SoCG from both parties.

RJ advised that the comments raised on SoCG will be taken away from the meeting and considered in preparation of the rule 8 letter to follow.

RJ explained that the ExA have set out at Annex B of the letter of 14 November the initial assessment of the principal issues around which the examination is likely to focus. The principle issues detailed in the letter is not necessarily a comprehensive or exclusive list of all relevant matters but a broad list within which specific matters are likely to be covered. **RJ** asked if anyone present have any comments or observations to make on the list.

Mr Coupe of Somerset County Council commented by explaining that as the ExA articulated that the county council's understanding is that the list of principle issues is not intended to be an exhaustive list of the overall views to be examined as part of the process and so on that basis the county council confirm that principle issues

includes a comprehensible summary but subject to a small number of additions. In relation to under traffic and transport and mitigation/traffic calming for surrounding roads it is assumed that this will be a particular reference to the impacts upon West Camel and Sparkford and agree that those are matters that will certainly need to be considered as part of the examination process. The council would highlight a number of additions under traffic and transport would request that the processes and fees associated with the detailed designs and de-trunking would be something the council would want to pick up and under the timetable would recommend an issue specific hearing on traffic and transport. Under the item for the DCO the council would also suggest something in the DCO around mechanisms to cure any mitigation considered necessary during the course of the examination.

Joanne Manley of South Somerset District Council explained that in addition to the previous comments and requests made by Somerset County Council in which they agree with the council would also like specifically the issue around traffic increase around Sparkford high street and West Camel to be added to the list and for completeness the council would also like the adequacy of baseline information on landscaping and cultural heritage to be added as this seems to be an omission in relation to the other topic areas and also the council would like the effects of the scheme on landscaping including panoramic views and wider landscaping situations to be added to the list of principle issues.

Somerset County Councillor Mike Lewis commented in terms of mitigation and traffic calming for surrounding roads mention was made of Sparkford and West Camel and Queen Camel there are the hamlets in between to the south of the A303 in particular but insignificance it is the A359 which has a HGV management plan from Sparkford through to Mudford and because there is a 7.5 tonne weight limit at Queen Camel bridge and there is a management plan in place and it needs to be emphasised in the councillors view and of others that this occurs during the process...

RJ intervened and stated that the previous comments relate more towards the merits of the case whereas we are discussing the topics that have been included in the principal issues list.

Somerset County Councillor Mike Lewis continued to explain that his topic was to expand on the information Somerset County Council raised previously relating principally to the A359.

Freddie Mattia who owns the American Diner on the A303 explained that when the new road goes through the diner will be completely

bypassed and therefore the business will have to close it's the diner by the Shell garage. Mr Pathia explained that he has seen different plans for different roads and he doesn't know why they don't keep that road open going towards Podimore amd build a new road by the side of it going towards London as surely this will be more cost effective.

LC intervened and explained to Mr Mattia as he arrived a bit late that this morning's meeting is looking at the process of examination and this part of the meeting is to look at whether the ExA have got any other principle issues that the ExA need to consider, the meeting is not to discuss the merits or disadvantages of the scheme and **LC** explained that there is an open floor hearing following the PM and the ExA will hear at this meeting from interested parties on their comments. **LC** explained that in terms of the issue Mt Mattia had been discussing, there is an item in the principle issues to look at the effects on the surrounding communities including businesses both during the construction period and in the operational period of the road so this would be something that will be covered in the examination.

Mike Burkin from friends of the earth explained that the last bullet point listed on item 3 Biodiversity, Ecology and Natural Environment there is the Need for Habitat Regulations Assessment/Appropriate Assessment and would like to suggest that he feels the ExA will need to add to that particular topic a strategic environmental assessment.

LC explained that the next item for discussion is in relation to the letter received from the applicant dated 7 December advising PINS that the applicant would like to make 3 changes to the application. In summary, the applicant has requested a change to the location of the main construction compound, a change to the access proposed to Blackwell Farm and the correction of an error in the land consultation with Hazlegrove School. **LC** explained that the letter has been published on the Project page of the Planning Inspectorate website.

LC asked the applicant to confirm whether the letter is to be taken as the first step for the ExA to consider the changes to the application or is the letter just to advise PINS that the changes will be requested.

JB explained that the position is that in the run up to the PM given that the possibility of these changes was emerging from responses to looking at relevant representations and ongoing discussions, the applicant felt the ExA should be alerted now as to the possibility

that the applicant will be asking for these changes. **JB** also explained that there is the possibility of another change which will involve moving the concrete batching plant from its current location to the same location as the one being now proposed for the construction compound moving slightly to the west of the current field. **JB** explained that the letter is to inform the ExA that the changes are in the early stages of discussions and that a formal request is not quite ready to be made.

LC explained that the starting point is that the ExA are appointed to examine and report on the application submitted and cannot examine a materially different project. To explain the context further, paragraph 106 of the Examination Guidance states: "When an Applicant submits a proposed change to a proposal, the Secretary of State will need to decide on the materiality of the change and whether it is of such a degree that it constitutes a new project or whether it can still be considered under the existing application."

LC explained that the reasons for these changes are set out in the applicant's letter and that the ExA do not want to take up time in this meeting with a lengthy explanation by the applicant of the proposed changes; however, to ensure all present understand what is being considered **LC** requested that the applicant briefly confirm what is set out in its letter.

JB explained that none of the proposed changes affects the main works the changes all relate to things that are incidental. **JB** provided a brief overview of the requested changes as detailed in the HE letter submitted to PINS on 7 December 2018.

LC explained that the three changes have not yet been submitted to the SoS or seen and considered by the ExA in a formal capacity and stated that the ExA are not here today to consider the merits of the changes, but are here to explore the way in which the application is to be examined. **LC** requested to hear the applicants thoughts as to the implications of these changes and how they could be accommodated in terms of timetabling of procedural decisions in relation to them.

JB referred to the PINS advice note 16 "How to request a change which may be material" and confirmed that the applicant been following this advice in the context of how to go about submitting application changes and their thinking is that once they have finalised their position to the precise change and they are confident that they are in a position to put together the formal application remembering that they have to look at what additional environmental information they may need to prepare to justify and

explain what the changes to the assessment would be or confirm that there aren't changes as a result of what they are proposing that they would then write formally, they will do any further informal consultation in advance of that, they have already done a fair amount of consultation but they would continue to do this in parallel with preparing the application, the applicant would then send in a formal request with final plans as supporting documents and then that would be consulted on for a period of 30 days assuming that this would be acceptable to the ExA the applicant will make a proposal to PINS on how they will actually do this and then that will hopefully be acceptable, they would then carry out the consultation and then PINS would decide on the back of the responses to this and decide whether or not this was an acceptable change to be taken into the examination and down this issue of procedural decision being a formal deadline for formal responses to that as an accepted change as opposed to whether or not this ought to be accepted.

LC asked in terms of how this would be accommodated in the timetable have you given this any thought.

JB stated that this is dependent on work that is in hand in relation to the extra environmental assessment, however, **JB** confirmed that the applicant would be hopeful to be in a position to write to PINS by the end of January 2019.

RJ asked whether the fourth material change the applicant referred to earlier would be included as part of the three changes referred to in the letter of 7 December or would this fourth change be a separate request for change.

JB confirmed that the applicant is working towards this being included as one submission.

LC asked if any other party wished to comment in relation to the applicants proposed timetabling of procedural decisions in respect of these change requests.

Mr Coupe of Somerset County Council in connection with the previous discussion without being cited on the detail it is difficult to understand what the implications might be in terms of the examination timetable but also thinking in terms of detailed matters that may need to be included post the examination timetable cause I suspect what we'll have is outline matters coming forward to the examination and there may well be detailed design matters that will need to be concluded at the end of the examination process and that is a matter of principle which the council would like to be

discussed particularly related to traffic and transport related issues specific hearing but it may well be relevant conversation to be had in relation to the changes that may come forward.

RJ explained that this section of the meeting is to look at the draft timetable for the examination and to consider representations on it and reminded the attendees that the draft timetable is set out in Annex C of the letter of 14 November. **RJ** stated that following the PM the ExA will issue a final timetable as part of the Rule 8 letter and this will take into consideration the requests for modifications to the draft timetable. **RJ** referred to the 2010 Infrastructure Planning (Examination Procedure) Rules which sets out some statutory periods that must be allowed in giving notice of specific parts of the examination process such as notification of hearings. The draft timetable has adhered to these. **RJ** re-iterated that the ExA has a statutory duty to complete the examination within six months following the PM. **RJ** explained that the examination will therefore close no later than Wednesday 12 June 2019. **RJ** reminded attendees that the examination process is primarily a written one and proceeded to explain the written components as follows:

For Deadline 1, Friday 11 January 2019, these are notifications to the ExA of various matters set out, currently, in the Rule 6 letter, and if appropriate will be in the Rule 8 letter. These include Notification by Statutory Parties of their wish to be considered as an IP by the ExA, Draft itinerary for Accompanied Site Inspection (ASI), Notification of wish to speak at any subsequent Open Floor Hearing (OFH), Issue Specific Hearing (ISH) or Compulsory Acquisition Hearing (CAH).

For Deadline 2 Written representations – including summaries of those that exceed 1500 words; Local Impact Reports prepared by County and District Councils; Statements of Common Ground – see Annex E to the letter of 14 November in which various SoCGs have been requested. In the draft timetable all these are required on or before Deadline 2 Wednesday 23 January 2019, along with a number other matters set out in in draft in the Rule 6 letter. All interested parties will have the chance to comment on all these documents by Deadline 3 which is proposed to be Wednesday 6 February 2019.

At the heart of the examination are the written questions that the ExA will issue. The first questions will be included with the Rule 8 letter which will follow shortly after the PM. All interested parties would then have until Deadline 2, Wednesday 23 January 2019, to respond to these. Any comments on those responses are to be

submitted by Deadline 3 Wednesday 6 February 2019. This would allow the ExA time to reflect on representations, comments and documents that have been provided, and discussion at the likely hearing sessions which are currently timetabled for the week commencing 25 February.

If a further round of questions are required they would be issued by Friday 22 March 2019.

Should a Report on the Impact on European Sites (the RIES) be necessary, the ExA will prepare a draft report and will issue for comment on Tuesday 16 April 2019. Comments on this report would be required by Deadline 7 Friday 24 May 2019.

There will also be site inspections and hearings which support the written part of this process. Requests to attend an accompanied site inspection, to suggest locations for a site inspection or to speak at a hearing should be submitted by Deadline 2, Wednesday 23 January 2019.

RJ stated that a key document in the examination process is the dDCO and that this should be open to scrutiny, comment and development at a number of stages in the examination process. The ExA have suggested Deadline 2 Wednesday 23 January 2019 for the applicant's first revised draft DCO. It is probable that there will be other iterations during the course of the examination. The ExA have suggested that the final dDCO should be submitted at Deadline 8 Friday 31 May.

The week commencing Monday 25 February is set aside for issue specific, open floor and compulsory acquisition hearings. Further time is identified for hearings or accompanied site inspections, should either of these be needed in the week beginning Monday 13 May 2019.

RJ invited parties to comment on the proposed first three months of the Examination timetable and asked the Applicant to comment first.

JB confirmed that the applicant is content with the proposed timetable.

Mr Coupe of Somerset County Council commented in relation to the deadline for the submission of the first revised draft of the dDCO the council note that there's been a further iteration of the dDCO submitted and the council note there is only a gap of 2 weeks between the submission of the revised draft and the opportunity to

provide comments, the council asked if there is an opportunity to accelerate the timetable for the submission of the first revised draft and two weeks is fairly tight to turn round detailed legal comments in relation to any substantive changes this is submitted between now and then.

Mr Coupe also had some general points around the timetable and how the timetable affects the ability of the authorities to be able to input to the process, basically, Mr Coupe wanted to make the ExA aware of the shortage of council resources in dealing with large developments such as this and also the demand on the councils in having proper input into the examinations. Mr Coupe wanted to make the ExA aware of these issues and to bring about an awareness of how the council need to support the examination and the post examination especially as the councils are in support of this development.

LC asked the council to confirm that there are no specific deadlines within the timetable that the council is critical of.

Mr Coupe confirmed the only issue with the timetable is the first draft submission date and asked for this to be brought forward.

RJ asked if the applicant had comments.

JB explained that the specific document submissions are grouped together in the timetable for a reason and it's always the case that the ExA will have questions about the detailed DCO drafting, others will likely make comments on them and then in practice the applicant will pull together a unified submission and to pull out one part of that submission and have to submit it a week or 10 days in advance wouldn't be practical or assist the process.

Joanne Manley of South Somerset District Council explained that the council share the concerns of Somerset County Council in terms of the ability of the district council to resource fully in this process particularly given that some of the deadlines are tight and cover periods of school holidays in the local authority area, the local authority are also progressing a local plan review at the same time and the A358 examination. As a result of this the council support the request to bring forward the dDCO revision at deadline 2. The local authority also advised that the hearings at deadline 6 cover the whole week of school holidays and asked for this deadline and deadline 8 to be put back. The local authority also has local elections so there is a period of purdah from 18 March 2019.

LC asked the South Somerset District Council would like the deadlines put back 2 weeks.

Joanne Manley of South Somerset District Council responded to say that the longer the better so requested 2 weeks of additional time.

Bryan Norman councillor for Queen Camel advised that they will be submitting a dossier electronically as soon as possible after the PM.

JB confirmed that the applicant is content with the entire programme.

RJ asked whether there were any other parties who had any comments particularly on the last three months of the timetable.

Mr Coupe of Somerset County Council requested that the ExA clarify what topics the ISHs will cover, the council would request that there is an ISH on traffic and transport. The council also requested some scope around the ISH dDCO hearing, also considers any mechanism to secure mitigation if necessary during the course of the examination.

Joanne Manley of South Somerset District Council responded following what Mr Coupe said the Historic environment is an essential part of South Somerset and there is a wealth of historic assets and ecology so they would request an ISH on cultural heritage, landscape and biodiversity to explore the mitigation.

Paul Griffiths requested an ISH on road noise and the operational state as this a very complex subject.

Sarah Bucks of South Somerset District Council requested an ISH on public rights of way.

LC explained that the ExA will reflect on what has been said at the OM and plan to issue the Rule 8 letter during the course of the following week.

LC asked if there is anything else anyone wants to raise in terms of the procedure and not the merits of the scheme.

Mike Burkin from friends of the earth wished to raise the choice of locations for hearings and stated that public transport is essential when selecting venues.

LC requested that should anyone present have an optional location to let the case team present know of the details.

The Preliminary Meeting is now closed.

- **Meeting closed at 11.39 –**