

TEXT_PRELIM1_A428BC_10082021_SESSION1

Tue, 8/10 11:45AM • 1:29:10

00:11

Good morning and welcome everybody. It is now 10:02am. And I am starting part one of this preliminary meeting for the application made by highways England for the a four to eight blackcat to Caxton gibbet road improvement scheme. We'll introduce ourselves fully in just a few minutes. Before we do that, just bear with me while I deal with a few housekeeping matters.

00:39

Can I check with the case team that you can hear me?

00:44

This great, great. Yes, yes, I can hear you fine.

00:47

And can you also confirm that the meeting recordings and live streams have started?

00:53

So I can see the recordings? I'm just waiting on the live stream? Just bear with me for a moment.

01:02

Yeah, that's that started. Okay. Thank you. Thank you. And finally, are there any requests for reasonable adjustments or arrangements to enable participation in the preliminary meeting? No, we've not been made aware of that. Thank you, Miss Gregory.

01:19

Okay, and then just one other matter, which is that we will be referring a lot to the rule six letter dated ninth of July, which was in the examination Library Reference PD, dash 005. We will also make some references to the letter dated second of July with examining authorities procedural decisions. Our assumption is that all attendees today have read and have access to these documents.

01:44

If you do not have these letters, then a member of the case team then please speak with a member of the case team during the break or after this meeting, and they will make sure you know where to find these.

01:56

On two introductions, my name is Monica Sahaj. I have been appointed by the Secretary of State for housing Communities and Local government as the lead member of the examining authority to carry out an examination of the above application.

02:12

I'll hand over to the other members of the examining authority. Mr. Parkin, if you could start with you, please.

02:18

Good morning. My name is Andrew Parkin, and I've also been appointed by the Secretary of State as a member of this examining authority. I will be leading on agenda item three and taking you through the examining authorities initial assessments of principle issues. pass on to my colleague Mr. scrubing.

02:35

Good morning. I'm Matthew Scriven, also upon appointed as a member of this examining authority Today I'll be leading on agenda item four, which is the examination timetable. The examiner for which his appointment letter can be found in the examination library with reference number PD dash 003.

02:53

Thank you both.

02:55

Also present today are three members of the case team. Case Manager today is a miss Michelle Gregory. Miss Gregory is covering for Mr. Emery Williams, who you may have had some contact with previously, Mr. Williams will be returning to case management in a few weeks. The case officers today are Mr. Edwin Maudsley, and Miss Katherine Ohlone.

03:19

I want to acknowledge and welcome those who are attending who are watching the live stream today.

03:26

And finally, welcome to the attendees in the virtual room today. We will be seeing much of each other in the next six months. So I want to take time for named introduction.

03:37

When I call up the name of your organisation, if attendees from that organisation could please turn their camera and microphone on. State your name and organisation if that's relevant and

03:49

for the sake of the recording and the live stream. We will keep reminding you to throughout the hearing to state your name and organisation just for the benefit of the recording.

04:00

So I'm aware that some of you will be speaking as well. We will invite you at relevant points in the agenda.

04:06

So for introductions, if I could please start with introductions from the applicants team. If you'd like to turn your cameras and microphones on

04:17

Good Morning, Mom, can you hear me? Okay, we can hear you loud and clear Mr. Lyons. Thank you very much. My name is Scott Lynas, Queen's counsel, I'm instructed by Womble bond Dickinson to represent highways England. I hope you have received a list of attendees for highways England and a letter of the third of August. Apart from myself. We have Victoria radman en la Ray and Ray from Womble bond, Dickinson Omri Rogers is a Senior Project Manager highways England. Ted Doherty is a project manager for a calm, Naomi kretchmer who's the CO lead for a calm and Jimmy Gleave who's environmental lead for

05:00

Come, but we don't intend that they'll need to speak at the meeting this morning. It'll just be it'll just be myself.

05:07

Thank you very much. That was very clear. And welcome to all of you.

05:16

Okay, I will then move on to attendees from Bedford Borough Council, please.

05:23

Good morning. My name is Alice Duran, obviously attending on behalf of Bedford Burke Korea offering most of our issues.

05:30

Thank you, Mr. wrenn.

05:33

I will move on to Cambridge county council

05:37

and, and attendees from Cambridge county council. I understand we have Mr. Chris portney.

05:45

Good morning. Chris property Cambridgeshire County Council also representing today as part of our joint approach South Cambridge, a district council and Huntingdonshire District Council. So speaking on behalf of all three and being supported this morning by Mr. Darrow from Pinsent masons. Thank you.

06:02

Welcome to both of you.

06:07

And I believe we have attendees from South Cambridgeshire District Council.

06:18

Yes, good morning. My name is Chris Carter from South Cambridgeshire District Council. I'm joined by my colleague Peggy Terlingua, also from South Cambridgeshire District Council. But as Mr. Courtney said he'll be representing us this morning along with Mr. Terrell.

06:31

Thank you. That's very helpful and Welcome to you both.

06:36

Excellent. And now moving on to Huntingdonshire District Council.

06:42

Wanting to mention Clara Curve from Huntingdonshire District Council and again working with colleagues across Cambridgeshire and being represented by Chris Poulton and supported by Francis this morning. Thank you very much and welcome. Misko

06:57

right, I will move on to Bates Brothers Farms Limited I believe we have an attendee

07:04

from Bates Brothers Farms Limited.

07:13

No, I don't think that we have an attendee from there.

07:18

Okay, I will move on to apologies. Transport Action Network. Do we have any attendees from Transport Action Network?

07:33

apologies. No, I don't think we have anyone from Transport Action Network either. We do have an attendee from National Farmers Union.

07:44

Good morning. Alice Charlotte's on behalf of the National Farmers Union. I work on infrastructure projects across England and Wales.

07:52

welcome Miss Charlotte. Thank you. And then I believe we have a representative

08:00

for East West rail company.

08:08

Good morning. My name is Howard bassford.

08:13

I, a partner at law firm DLA Piper representatives was Railway Company.

08:18

I'm accompanied by Miss Kirsty young who is from the Swiss railway company as well. Thank you and welcome to you both.

08:29

Good morning. Thank you and welcome, everyone.

08:34

I

08:36

I will move on to a few matters about the virtual event. And just to acknowledge that this is a virtual event, we are really examining authority are attending the meeting from the planning Inspectorate office. We ended understand you might be attending from your offices and Holmes.

08:56

Unlike in a physical event, during today's virtual meeting, you will only be able to see our heads and shoulders, which I admit makes reading body language more difficult.

09:07

During the meeting a members of the examining authority may be looking down taking notes or viewing a separate screen. Similarly, if we are watching you speak then it's likely we're not looking directly at the camera.

09:22

It does not mean we're not listening to you. I want to just assure everyone that we you do have our fullest attention today at all times.

09:30

To avoid visual and night noise distraction, only the panel member leading on a particular agenda item will turn their camera on. Again Please be assured that even if our cameras are off, you will have our fullest attention. And we will contribute with comments or questions as required.

09:47

We ask the same of you if you could please keep your cameras and microphones off.

09:52

We will pause at various points and give everyone an opportunity to ask questions or to make comments. Please wait for those

10:00

opportunities and, and you should be able to use the raise your hand function on Microsoft Office teams.

10:08

I understand you have been told not to use the chat function, so I'll just remind you of that. No one is monitoring the chat function so, so please don't use that.

10:20

Virtual events cause fatigue, and so we will ensure that each session after meeting is approximately 90 minutes.

10:27

Noting that you may have already been in the arrangement conference for some time, it means that we will take a 15 minute break at approximately 11am. We will resume again for session two at approximately 11:15am and go on until 12:45pm. If we've not completed the business of the day, we will take a longer break at that time and resume session three at 1:30pm and go on until required up to a maximum of 3pm.

10:59

If you do decide to leave the meeting during the breaks, you can rejoin using the same link provided in your invitation email.

11:08

If you're watching the live stream, please remember to refresh your browser to resume each subsequent session.

11:15

To ensure that we're able to finish the business of the day Please keep your representations brief and to the point. We have read carefully and in detail each and every representation that came in our procedure on deadline a. When invited to speak, please introduce yourself by name and if relevant by organisation.

11:37

This is of course important for the transcript recordings and live stream.

11:42

Some of you have made representations of procedural deadlines about the use of virtual procedures to carry out this examination I'll invite your comments in just a few moments.

11:54

This event is both live streamed and recorded.

11:58

The digital recording that we make are retained and published. They form a public record. They can contain your personal information and to which general data protection regulation or GDPR applies. The planning and spectral practice is to retain and publish recordings for a period of five years from the Secretary of State's decision on the development consent order. Consequently, if you participate in today's in today's preliminary meeting, it is important that you understand that you will be recorded and that you therefore consent to the retention and publication of the digital recording. It's very unlikely that the examining authority will ask you to put sensitive personal information onto the public domain instead. Indeed, we encourage you not to do that. However, if for some reason you feel

12:49

that it is necessary for you to refer to sensitive personal information, we would encourage you to speak to the case team in the first instance. And we would then explore with you whether you might actually provide that information in written format so that it can be redacted before publishing.

13:06

Does anyone have questions with regards to this matter? Please use raise your hand function on the Microsoft on Microsoft Teams.

13:16

Okay, I don't see anything.

13:20

Moving on. We do expect courteous behaviour at this meeting and indeed at hold hearings. Please be patient wait your turn to speak and do not disrupt or interrupt proceedings. Repeated interruption or disruption of the preliminary meeting after the first warning is in principle deemed unreasonable behaviour. Please be aware that an award of costs can be applied for unmaking

13:46

made against a person who is behaving unreasonably.

13:51

I just wanted to say a few words about what's happened so far during pre examination period.

13:57

The examining authority has read all the application documents and all relevant representations.

14:04

We have also received a few late submissions, which the examining authority used its discretion to accept and these are listed in additional submissions in the examination library. In order to familiarise ourselves with elements of the application we have undertaken on accompanied site inspections of the route and specific locations in the surrounding area. In June and July. A short note of the location we visited the time of day and weather conditions is published on the planning Inspectorate national infrastructure project webpage. And we will of course, keep us up to date throughout the examination. Mr. Striven will talk more about unaccompanied and accompanied site inspection arrangements under agenda item four.

14:50

And that brings us neatly to today. The main purpose of the preliminary meeting and this is important is to discuss how the applications

15:00

should be examined and the process it's your it is your opportunity to influence the process. The substance of the proposed development is not a matter for discussion today.

15:13

discussions about representations about the merits and disadvantages of the proposed development for the examination itself, which will begin after the close of the preliminary meeting.

15:25

The examining authority will not be making any procedural decisions today.

15:30

Or, or in part two of the preliminary meeting. We are noting all representations that are raised here today, and we'll consider them after the close of the preliminary meeting part two, all procedural decisions won't be set out in the rule eight letter, which will be published shortly after the close of the meeting.

15:49

Now, typically, the preliminary meeting is a single meeting. It has been held in two parts for the past one year or so, since hearings format changed virtual in response to government imposed restrictions due to the pandemic.

16:04

For this case, part one of the preliminary meeting is today and at the end of business today, I will adjourn part one. If someone watching the live stream or the recording wishes to make a representation, please do so by procedural deadline be on Monday 16th of August

16:25

should you wish to you may also submit a request to attend preliminary meeting part two, which must be received by procedural deadline be on Monday the 16th of August.

16:37

Now procedural preliminary meeting part two will resume on Wednesday the 18th of August. It is important to note however, that we will not be accepting any in principle new submissions. At part two of the meeting. All my matters must be raised either here today or in writing by procedural deadline be the purpose of preliminary meeting Part two is only to allow the examining authority and other attendees to respond to what has happened here today and to the submissions received our procedural deadline be.

17:12

Another important point is that if we do not receive any substantive submissions at procedural deadline b we may decide to close the preliminary meeting in writing without reopening part two.

17:27

Further information about this can be found in the rule six letter. Again, if any of this is not clear, please raise your hand function use a raise your hand function on Microsoft Teams.

17:42

No, that's good. I will move on to agenda item two remarks about the examination.

17:49

When it comes comes to our approach to the examination Mr. Parkin and Mr. striven will take you through the more substantive matters. And these are the initial assessment of principle issues, which is agenda item three, and the examination timetable, which is agenda item four. But before that, I have a few remarks about overarching matters relating to the examination.

18:14

Firstly, as some COVID-19 relating restrictions still apply. The examination is starting as a virtual process. However, the planning and spectral guidance is updated periodically to align with the government guidance. And on that basis, we will remain flexible.

18:33

So that should public health controls allow and as per guidance, it seems like it might, we may have the option of holding physical in person events during the examination. The examining authority has not yet made a decision on this matter, and we will notify all parties of any changes in the format of future hearings with ample notice.

18:57

We do however, have an approach for accompanied site inspections and of course these will be in person. Mr. Scriven will cover that under agenda item four. I'm just going to invite a few representations. Now I believe, Cambridgeshire County Council Mr. portney would like to speak regarding the virtual approach to the examination. If you'd like to turn your microphone and camera on Mr. portney.

19:24

Mr. tyrrel

19:27

Good morning, madam. My name is Francis Terrell. I'm a partner Pinsent, masons and I act for Cambridgeshire and South cams and how to judge district councils. I see the court is now joined us I think he just wanted to confirm that the council will broadly content with the examination process but I'll let Mr. pallone now speak.

19:44

Thank you, Mr. Terrell. Yes, that was right. We just wanted to confirm that we were comfortable with virtual arrangements and proceedings, which actually works quite well for us with lots of people working from home and remotely. So we're just going to confirm we're comfortable with that. Thank you.

20:00

Thank you very much.

20:02

And

20:05

good to know you contend with the process. But I just wanted to stress that there is scope for this to change in the coming weeks for potentially the second round of hearings. Okay, thank you very much from both

20:19

sides. Secondly, I want to briefly touch on the legislative and policy framework for the examination of nationally significant infrastructure projects, or n sips.

20:33

There is a lot of information in annex B of the rule six letter, so please do take some time to read that. I won't repeat it here. But I just want to highlight a couple of matters a few matters. The application is an Ansip under the Planning Act 2008, because it meets the thresholds in sections 14 one age and 22. One A,

20:57

which is the construction of a highway which is wholly in England, the Secretary of State is the Highway Authority, it covers an area greater than 12.5 hectares, and the new road will have a speed limit of 50 miles per hour or greater. The proposed development also includes the diversion of the high pressure pipeline, which could be treated as an insert pursuant of Section 14 one F.

21:21

Besides the Planning Act itself, the predominant policy document is the designated national networks national policy statement, it is often referred to as the NPS national networks. nps national networks

applies to this examination and to decision making rely or relating to this application. The NPS energy suite may also be applicable to matters relating to the gas pipeline diversion

21:48

besides the Planning Act of 2008 examination procedure rules govern some aspects of the process. So you will hear us refer to rule six letter or a rule 13 notification or rule 17 request. These are all rules set under the examination procedure rules, these can be found on legislation.gov.uk website and the link is on the planning Inspectorate website.

22:17

Thirdly, I want to emphasise that the examination is an inquisitorial and predominantly a written process. During the examination, the examining authority will test the merits of the proposed development to make a recommendation to the Secretary of State for Transport as to whether the proposal should receive consent in the form of a development consent order, under the Planning Act with has an innate the examination is an inquisitorial process in which the examining authority takes the lead in establishing what's important and relevant to the decision, which the secretary of state needs to take. So we should be looking for evidence of what is important testing that evidence put testing the evidence that's put forward to see how robust it is.

23:01

It also realised the written process. So it's section 91 of the Planning Act states that the examining authorities examination of the application is to take the form of written representations about the application. Now there will also be hearings, but these should be understood as building on the foundations of the written submissions. So interested parties should seek to engage fully throughout the written process rather than think that they can wait for a particular hearing as an opportunity to influence the proceedings.

23:40

Fourthly, I will mentioned that after a six month examination, the examination authority will take three months to write a recommendation report to the Secretary of State.

23:50

The recommendation report will have at its core, our recommendation as to whether the development consent order the draft development consent order, either in its current form or as amended during the examination should be approved. It will also contain recommendations on what land should be subject to compulsory acquisition if the Secretary of State approves of the decio.

24:13

Even if we do not recommend that consent should be given, we are required to still put forward what we consider would be the most appropriate decio if the Secretary of State goes against our recommendation. The important point here is that all matters relating to the draft VCO are integral parts of these, the examination.

24:36

The fifth and final point for me is about you and participating in the examination. This has been explained in the rule six letter and the planning inspectorates document what is my status in the examination. However, I want to acknowledge the status of some specific participants here. We received a submission from church commissioners of England on the 16th of

25:00

During 2021, regarding their status and the examination,

25:05

I can confirm that you are an interested party in light of the section 56 notice which was issued by the applicant.

25:15

We also received representation from East West Railway Company Limited on the 30th of June 2021. We think your contributions will be relevant to our considerations and as such, you are able to participate in all aspects of the examination at all deadlines and hearings and accompanied site inspections. However, as this representation was not received, was received after the close of the relevant representation period. And you do not meet any of the criteria set out in section one or two a and one or two B you do not have interested party status, your status is that of other person.

25:58

While this is not defined in the Planning Act itself, there is provision in the examination rules and procedures

26:05

for the examining authority to invite other part, other persons to participate in the examination, what you say will be given weight subject to the merit and robustness of your evidence, just like any other evidence.

26:22

The examining authority notes that East Cambridgeshire District Council and North hartfordshire District Council have withdrawn from participating in the examination.

26:35

If anyone has any questions, please use the raise your hand function on Microsoft Teams.

26:45

No, I don't see any questions. I will move on to agenda item three Mr. Park innovia. Ready?

26:52

Thank you.

26:54

From the agenda, you'll see the Titan three is the initial assessment of principle issues, which has been prepared under Section 88 one of the Planning Act 2000 a date, you should have regard to annex C of our real six letter for this item, which lists our initial assessments of principal issues for the proposed development is everyone who wishes to see a copy of annex c able to it's been shared at the present time

27:20

fee. If you've got a problem, please raise the hand function.

27:26

Okay, thank you.

27:28

You'll see that the main subject headings are in alphabetical order. This is because there is no hierarchy of importance in the in the list at this stage. And xe provides a framework of issues for the examination which is broadly based on the matters set out in the national networks national policy statement that Mr. High referred mentioned earlier.

27:49

You'll gather from the title that this is just an initial assessment. Over the course of the examination, some of the issues may be resolved in whole or in part, whilst others may be brought into sharper focus. Examining authority may also remove or add to the issues as the examination progresses.

28:07

Today provides an opportunity for you to suggest a principal issue which you think we may have missed or if you wish to comment upon those we have identified and must emphasise again that this is not an opportunity to discuss the merits or otherwise of the proposed development. That will form part of the detailed examination of the application which commences after this preliminary meeting is closed.

28:28

It is not our intention to take any procedural decisions today, but we will listen to and will consider all representations made during the preliminary meeting.

28:38

We've had two requests to speak on this agenda item and we will hear those in turn shortly. Your governing authority may then have some questions and I will also give the applicant a chance to speak at the agenda at the end of the agenda item.

28:55

So it's the initial assessment of principal issues and I will now invite the parties who wish to speak to this item to do so starting with Cambridgeshire County Council, and then the Environment Agency, although I'm not certain the Environment Agency are with us today.

29:13

Given that we are recording the meeting, please could you remember to introduce yourself and who you are representing. And please ensure that your microphone is switched on before speaking. Okay, which accounts council first place?

29:25

Thank you. Chris popmoney Cambridge account council representing all three Cambridge authorities was just a clarification really on borrowed pets. There were matters relating to borrow pits, we've noted that there was some relevant representations on those and I believe the first written question goes borrow pits also, it doesn't feature as a sort of specific bullet point in the list. So we were just wanting to check where in the principal issues that was being covered, and whether that was going to be within land use on page two

30:00

See three of annex three, please.

30:03

That's That's certainly our understanding is that

30:07

the bar pets would be would be covered under one use principle issue.

30:13

And it will be something that we will come back to a note that you've made the cut these comments and we will we will, we will have regard to them

30:23

as we go through many facts.

30:28

Was that everything you wanted to say? Yes. Yep. Great. Okay. Thank you.

30:34

Can I just double check with Miss Gregory, whether anyone from the Environment Agency is here because they also expressed an interest in speaking on on the initial assessment of principal issues.

30:48

Hi, Mr. Parkin, and we don't have any representatives from the Environment Agency.

30:54

Okay.

30:57

As such, we won't, we won't go into much detail on that the environmental agency did raise a few issues regarding flooding and drainage matters. Regarding protecting your main river navigation and groundwater protection.

31:12

I'm satisfied that these are covered within the identified initial assessment identified principle issues that we've we've looked at already. So I don't see that as being a particular issue for ourselves at this stage.

31:27

Do either of my colleagues have anything that you wish to say on these matters?

31:33

Notice Valkenburgh content. Thank you.

31:36

Thank you.

31:39

Are there any other points anyone else in the meeting wishes to raise on the initial assessment of principle issues before we move on to the next item? If so, please use the raise hand function. See, Mr. Bastard has his hand raised.

31:58

If you could. That's great. Thank you, Mr. Bastard.

32:07

Sorry, you're on mute.

32:10

Mr. Bastard.

32:12

Thank you, sir. just introduce yourself and who you represent again, please. My name is Howard bassford. I'm a law firm, DLA Piper, UK LLP. And I represent East West Railway Company. Thank you. Thank you.

32:28

So it's a very similar sort of question to the one raised by Mr. felmy, on behalf of Cambridge, but in this case, it is checking. And I know you already do have this in mind, checking that the interfaces with other projects, and in particular East West railway companies proposals are registered in the principal issues there. I had thought it might conceivably be on the highways, network and structures. But

32:58

But it wasn't immediately apparent that you had those sorts of interfaces in mind in the principal issues that said we do have your questions on the topic. So we know it is in your mind.

33:13

Yes, I'm sure we have considered that within the principal issues.

33:24

Welcome, may I just

33:26

add to that?

33:28

Yes, Mr. basford, it has been considered in the principal issues. It's been considered as part of need for development and consideration of alternatives.

33:39

And indeed, as part of the highways network and design section,

33:45

it is a matter that we will bring into focus at the issue specific hearing next week, the agenda for which was published on Friday, the sixth of August.

33:59

So, so it is something that we would like to explore quite early in the examination. And as you've mentioned, it is being covered it has been covered in the written questions in the in the initial

34:13

first round, finished written questions, so it will be fully.

34:20

Thank you.

34:29

Thank you.

34:31

Guys, I ask the applicant whether they wish to make any comments on the examining authorities initial assessment of principal issues or any of the matters raised in response, sir, no, we have no further comments to make new the representations that have been made in your response to them. We don't need to add to that.

34:48

Okay, thank you very much.

34:51

I have nothing further to say on this agenda item should anything further arise in relation to this item, including from those watching the recording

35:00

For the livestream, please put this in writing to the examining authority by procedural deadline B which is Monday the 16th August 2021.

35:10

Thank you for your participation. I will now hand over to Mr. Scriven who will deal with agenda item four concerning the draft examination timetable.

35:23

Thank you Mr. Parking. So you will need to have annex D, E and F of the rule six letter in front of you for item four. In the interest of brevity, I do not intend to read these out in full now, but I will highlight some key points. annex D is the draft timetable which you should be able to see on the screen shortly, if not already.

35:50

Excellent.

35:52

In larger representations made here today on further considerations by the examining authority, we may make some changes before issuing the final examination timetable. In a rule eight letter soon after the close of the preliminary meeting.

36:05

I want to take the opportunity to highlight the importance of ensuring the information is submitted in accordance with the set deadlines. Whilst examining authority does have the ability to accept late submissions into the examination. This is our discretion and should only be in exceptional circumstances as late submissions restrict the ability of other parties involved in the examination to respond to information and can therefore jeopardise the examination timetable. It is important for you to note that if you do submit something late, there is always a possibility that it may not be accepted into the examination.

36:36

Before moving on to provisions in the draft timetable itself, I want to re emphasise a point Mr. High has already made that the national significant infrastructure projects examinations are inquisitorial and written reps written processes. There are provisions for certain types of hearings. And while these are important, the central part of the examination is the written process. I will first take you through the opportunities in the examination timetable when you can make written submissions. I will then talk about hearings following on to accompany site inspections. As all these as these matters are all linked.

Rather than invite comments as we go. I will invite comments from those wishing to speak at the end of this agenda item. Finally, I also want to touch on managing change during the process.

37:23

So written submissions can be received in the following formats. Relevant representations during the pre examination period. Thank you all for your submissions. The next opportunity is through

37:35

written representations, which should include each party's detail case and set out the reasons why they support or oppose the application with evidence as far as possible. Written representations are requested from parties by deadline one note of the deadline for receipt of written representations was set out in our rule six letter and in annex F of the national annex f level six letter. I'd like to highlight an error in reference in here. The relevant examination procedure rules are rule three and rule 10 respectively. They will correct this error when we issue our rule eight letter.

38:08

The examining authority will issue one or more rounds of written questions. We gave advanced notice to pass our intended first written questions on the 21st of July, we will formally issue the first written questions with the rule eight letter which will finalise the timetable

38:24

to further rounds of written questions if required, it will be issued on the 15th of October on the 22nd of December. We can also if we consider it necessary at any point during examination issue a specific request for information from named parties. This is known as a rule 17 letter.

38:40

For both written questions and rule 17 requests the way you participate is by either responding to questions or by commenting on other responses received. Various deadlines examination provide opportunities for responses and comments.

38:54

So moving on to statements of common ground in the rule nine and 17 letter issued on the second of July, the examiner authority has set out in detail requests with respects to statements of common ground. With named parties and the range of topics we expect the statements to cover. The deadlines received these statements are deadline one, deadline three and deadline five. The final statements of common ground to expect from deadline eight.

39:18

In addition to those requested I understand the applicant is also intended to provide a statement of common ground with the east west rail company and this will be welcomed by the examining authority.

39:29

The rule 917 letter also gave notice and provided a deadline for local impact reports. local impact reports are submitted only by local authorities represent the broader views of their community and

should be presented in terms of their positive, neutral and negative effects based on the information available at the time of writing. The report is distinct from any representation a local authority may make on the merits of the application. local impact reports are expected from Bedford Borough Council central Bedfordshire Council, Cambridgeshire County Council South

40:00

In which District Council, and Huntingdon shear District Council all at deadline one.

40:06

I asked the interested parties review all the deadlines to submit any comments on the proposed timetable either at the meeting today or in writing by procedural deadline be.

40:17

Moving on to hearings. There are three different sorts of hearings under the Planning Act 2008. Set out under Section 9192 93 and 94. These are open floor hearings, compulsory acquisition hearings and issue specific hearings. The first round of hearings will be on the 18th and 19th of August. The rule 13 notification of these hearings was sent with the rule six letter and that's annex II. The deadline to receive confirmation of attendance was procedural deadline a and thank you all for your responses. Following the close of part two of the preliminary meeting, which marks the start of the examination, an issue specific hearing is scheduled.

40:57

The purpose of the hearing will be to better understand several strategic matters associated with the proposed development as outlined in annex D of the vol six letter and the agenda for the first issues specific hearing was issued on the sixth of August, as well as draft agendas for the open floor hearings of the leaf.

41:16

At this first issues specific hearing, we particularly want to focus on high level issues related to the need of the proposed development including the intended East West rail scheme, the recently published decarbonizing transport document and revised National Planning policy framework.

41:33

Also assessments of alternative junction designs at the blackcats Junction, environmental effects including the pipeline diversion, habitat regulations, assessment and good design of flooding, and some key matters related to the draft DCA, I should stress this, this There seems to be a lot to cover there. But if we really want to focus on the strategic high level matters, we appreciate that these matters are covered in some detail and examining authorities first round of written questions about the hearing, we are looking for clarity. As I say on the applicants strategic approach, we expect the representations at the hearing to set the scene for the more detailed responses to written questions about the first round.

42:14

An open flow hearing is an opportunity for individuals and community groups to put their views forward verbally the examining authority. All submissions should be based on representations previously made

in writing and not simply repeat matters previously covered in a written submission, but rather provide further detail and explanation to help inform the examining authority. I believe we have five parties requesting to take part in the overflow hearings at this point with a test with attendance also requested from the local authorities and the applicant.

42:45

We are considering whether the evening open floor hearing should take place based on the numbers. If anyone wishes to make comments on this matter, please do so when invited later in this agenda item or in that procedural deadline. The

43:02

we have also seen the comments from interested parties within the relevant representations notice received at procedural deadline a in relation to appearing at a compulsory acquisition hearing. The case team are able to assist with any questions you may have about the technology required for these events.

43:20

The draft timetable reserved time for further hearings week commencing the 21st September, we will issue the vol 13 notification for those hearings for these hearings rather, with the rule eight letter after the close that friendly meeting Part Two and detailed agendas and it will be published a week before the hearings and the accompanied site inspections. Further rounds of hearings are also identified in the timetable only for quiet week commencing the 29th of November, as well as the eighth of February. The examine authority to provide at least 21 days notice before confirming the dates of any hearings. Upon receiving the notification hearings, you will be asked to confirm attendance by particular deadline for the hearings in September that will be asked for confirming attendance by deadline one.

44:06

As mentioned earlier at this stage, our starting point is that all hearings will be held virtually and our draft timetable assumes this each round of hearings includes an additional reserve date scheduled for the following week. Typically we'll only utilise this if absolutely necessary. For example, in the event of technology failure, if possible unnecessarily we may make a decision to hold the hearings during the week commencing the 30th of November, as in person events or as some form of hybrid event. We'll give as much warning as possible if any decisions on this. So please do keep an eye on the project page of the national infrastructure website for any announcement.

44:42

rights and on to site inspections. You should be aware that we have already undertaken around have an accompany site inspections on the 30th of June on the first of July. These were carried out from public land only including various property rights away where you're served key locations at the proposed scheme and associated development.

45:00

Proposed construction traffic routes or nearby settlements as well as various places referred to in relevant representations. notes are on a company's site inspection were published on Monday the fifth

of July and can now be viewed on the project page for the national infrastructure website and the reference for that is Evie dash 001. So I do not propose to read these out now, it is possible that we may undertake further and accompany site inspections during the examination process.

45:28

Till now to accompany site inspections, these are generally two locations not publicly accessible. You will note that the draft examination timetable included a request for nomination of sites for a company site inspections by interested parties by the third of August. That's Tuesday, the third of August and procedure deadline a bandstand we have received six submissions including the joint responses from the Cambridgeshire councils. And thank you all for your consideration and time. If you haven't already done so it'd be helpful to provide an annotated map showing these points of interest for procedural deadline be.

46:03

At deadline one, the applicant will prepare its proposed itinerary based on your nominated sites found the applicants own proposals. The final itinerary for the company's site inspection will be issued by the examining authority alongside hearing agendas at least a week in advance of the event. The first accompanies site inspection will be held one day during the 21st to 24th of September. If we're unable to cover all sites in that day, we may hold a second accompany site inspection during the week commencing the 30th of November.

46:34

Following our and accompanied site inspection the examining authority has a good understanding of the locations visited definitely is unlikely that we will need to visit all the sites again in any accompanies site inspection. Such inspection will only be necessary to view land where there is no public right of access. With no clear view from public viewpoints. I should stress the examiner thought you will not hear evidence or ever submissions during the company's site inspection.

46:58

At the present time, the government imposed restrictions will not affect our ability to hold a company site inspections. Needless to say we will still take all these precautions as required if government stretches and our own guidance changes prior to the company's site inspections. We will issue special instructions with that final itinerary

47:17

so moving on to any comments on the this agenda item which I'm aware there are some I will now invite comments on the agenda item. We won't make any procedural decisions today. But we will be considering your requests and suggestions when we finalise the timetable in our rule eight letter when asked Can you please turn your mic and camera on and introduce yourself? So I'm aware that we have received a joint response to the

47:46

to the rule nine and 17 letter and all six letter from the following local authorities and that can't farm temperature county council South Cambridgeshire District Council and Huntingdonshire District Council. I also understand Bedford Borough Council agree with the comments made.

48:05

Just bear with me a moment I can see we've got a hand up from

48:12

this. Mr. Linus? I can see Mr. tablespace so I'm a bit confused. Right. Can I take Mr. Lynas? First please?

48:21

Thank you, sir Scott Lynas for highways England. And we have a few points many of which have been set out in the letter of the third of August. Perhaps the most efficient way of dealing with them is to take specific points we have on a couple of the deadlines I know other parties have pointed to make on then we can leave some on salary points we raised in the letter to later to later stages not acceptable to you sir. I was Yeah, I was intending to go through through the local authorities first and then East West rail as i'll come on to and then invite comments on those specific items and then come to you at the end for full of comments of absolutely fine. Thank you, sir. Okay.

49:07

Mr. Terrell, so many specific comments from you now

49:12

on the process. Thanks. Francis Terrell from piston Mason's acting on behalf of Cambridgeshire County Council, hunting District Council and South cams District Council.

49:23

As you noted, we wrote or councils wrote to you on sixth of July, following the rule nine and rule 17 letter

49:30

and also wrote again on the second of August, following the rules sixth letter, the second letter builds upon points made in the first letter.

49:39

Broadly speaking, the proposed timetable at annex D is very compressed at the beginning

49:48

is quite impressive the beginning compared For example, to other examination timetables previously and also currently, for example, the a 47 North London timetable.

50:00

adopts quite a different approach. The reason why we say it's compressed is,

50:05

particularly in the local authorities perspectives, there is a lot to be done by deadline one, they have to

50:13

effectively submit the local impact report. And I'll come back to that shortly. There's some issues around doing that by that deadline. But also the written representations, their responses to your first written questions, and also also attempted to agree a very long statement of common ground with the applicant.

50:33

Added to that, obviously, I know this will be the same for the parties. But obviously, they have probably different resources than the local authorities, the officers will need to be attending a number of hearings this month as well. The said that there was a problem just in terms of time periods, in terms of resource, but also, and these are the points we made in our letters have referred to

50:58

the useful sequential nature of documentation is not followed here as it could be, or as well as it might be, in particular, the provision of information from highways England, that would naturally follow from submission of their written representations, for example, and their responses to other parties rather than representations being taken into account by the local authorities in the local impact report. And we feel that would be much more useful for local authorities but also much more helpful for yourselves if the local impact report can be submitted later, to allow that information to be processed and taken into account

51:37

accordingly.

51:39

And this is the first change that we have suggested, we will propose the deadline was extended by two weeks until the 14th of September. The main motivation for this would be so the local impact report could be provided later. But provided after

51:55

the important information has come in on on that basis, we propose that the deadline for the applicant to respond to read and representations should remain at the 31st of August. So then you would have this sequential nature, which would be of use.

52:09

That changed to deadline one to the 14th of September, we've suggested wouldn't really necessitate any other changes to the overall programme or change to other deadlines. deadline to falls on the fifth of October, which would give you three weeks following that revised date from deadline one, which would be ample time to carry out the activities required by deadline t which is largely less amount of work to be frank than the activities building up to deadline one.

52:39

So that's the first significant change. I didn't want me to pause there in relation to deadline one because I think Mr. Linus was suggesting perhaps we did it deadline by deadline, but I can carry on in relation to the the comments the authorities have. Finally other deadlines, too, if you'd like me to.

52:53

I think I'd like to. I'll just yeah, I'll just

53:00

explain on on this deadline. One issue, I think first so do it do obviously note those comments and appreciate the timing of the deadline. One does fall in the summer holiday period as well.

53:13

So to provide notice for requests for information, in addition to the rule 917 letter issued the second of July, which gave back gave over 40 days notice to parties.

53:24

We also encourage local authorities to commence preparation of the local impact reports around about six months ago to the day on the 12th of February.

53:33

So under leading and preparation time for local impact reports also highlighted in advice note, one.

53:40

As you well. These local input reports play an important role in the examination and we do acknowledge that however, you will have the opportunity to comment on the applicants responses to relevant representations deadline to those submissions carry weight in our considerations as well.

53:57

I'm also unaware of preventative examinations, where the deadline for local impact reports has come after the applicants responses. And will also I've also got to be mindful on the resources that are at our end in dealing with the materials that come back. So we will consider these requests carefully. And any changes we made in the vol eight letter as I said, we're not going to make a decision today on on these sorts of items. But we will confirm we will confirm and are all eight letter.

54:29

Thank you.

54:32

I think let's come over to you if you want to respond on that. Thank you just commenting that that's understood.

54:38

I think it's not the lack of notice, which is the authorities concerns that it's predominantly the second having a sequential nature. So they have sufficient information for most usefully provide information to the local impact report to you. I mean, you mentioned you're unaware I mean just by way of example, the a 47 North tuddenham application.

54:55

The rule six data for that indicates the written Rhapsody deadline one

55:01

Which in that case is three weeks after the preliminary meeting? And then local impact reports and responses to first written questions, then do a deadline to deadline to take these comments on board. Okay, as I say, Okay, thank you.

55:16

Mr. striven is it just worth me adding a point here, I think all comments are very well made. And they are very helpful indeed. It's just what saying that there is a distinction between local impact reports and other representations made by local authorities. So, for instance, your statement of common ground and stood statement of Common Ground will no doubt be a long one. But there are four other opportunities for you to do that over the course of the examination, to finalise different aspects of it. The second point to make is that the we see the local impact report, again, as being distinct from your commentary on things like the applicants response to relevant representations. So you know, they all carry carry weight. So all I'm trying to say is that, I think it's while the local impact report plays a very important role in the examination, all your other representations through the course of the examination, will carry will carry a lot of weight. It's also worth just highlighting that starting with the adequacy of consultation response and your relevant representation, there has been a note from local authorities about needing more information from the applicant. So that has been a point that we as the exotic authority have had, it has been a key consideration as we were drafting the timetable, because we wanted to make sure that there was adequate time during these six months to make sure that all that information that local authorities were wishing, wishing to see was made available to them and any further negotiations that need to happen. There was enough time in the in the timetable to do that. So do bear that in mind as well, that that that has been one of our key motivations.

57:00

But that's all that I wanted to say, Mr. Sullivan. And I'm just just wanting to say, repeat that. I think all points are well made, and of course, are being considered.

57:13

Okay, would you was the was there other comments to make? as well? Yes, we did have some further comments. These are all as set out in the second of August. Yeah. So I went over them too much. But just to reiterate the

57:28

we proposed also that deadline three, perhaps should be extended by two weeks.

57:35

That's because we thought allowing two weeks to respond to any second written questions, perhaps in a shorter period of time.

57:43

I think also very cool. The, the applicant had also made comments

57:48

to that. And we'll see if they'll touch upon that.

57:52

We thought that it could be adjusted without any

57:57

consequential change the deadline five.

58:00

So again, wouldn't necessarily prejudice the overall timetable, in that respect.

58:07

And there'll be limited consequences from that. So that was the main point on that. And then I think also, as the applicant has also raised,

58:15

the third, the deadline written to third written questions, fell falls immediately after the Christmas period, and perhaps more that can more usefully be extended for a short period, just to make that a little bit more user friendly, I guess, for those involved in producing that documentation.

58:34

And also, it seems traditional around Christmas that we have some sort of deadline. I know if it can be avoided or extended. That'd be I think it would be useful for council offices as well as everyone else involved. Okay, do do we assume that the council there's any form of closed down period for you over Christmas?

58:51

class, Mr. pony to answer that?

58:55

Yes. Thank you for the question. I'm not sure we know the answer yet. But

58:59

I don't think we've been informed. Certainly on previous years, we have had a formal closed down period, probably for the last two, possibly three years now. Certainly for Cambridge. Sure.

59:09

I'm not sure about the other authorities, but we can provide that information to you. Should it be helpful?

59:15

Yeah, I think it would be Yeah. Okay. Thank you. That's fine. Thank you.

59:20

Okay.

59:27

Okay, so is, is that it on that from the from Cambridge county Council's of Cambridge county council on behalf of the Cambridge authorities, and also Central.

59:39

Yes, thank you. So that is all we have relation to Cambridge county council and Energy Council and self comes District Council. We i don't i didn't speak on behalf of the parish councils. But I think they have indicated their support for the letter that we issued.

59:56

Yeah.

59:57

Thank you. Thank you.

1:00:01

Okay, so I will then invite comments from the east west rail company wish to talk on this matter then as well on this agenda item.

1:00:17

So I don't have anything in particular to say about the process for the examination, we are working already with Hobbes, England to advance discussions on things like statements of common ground and so forth, you have our submission in relation to the accompanied site inspections. And I have just noted your request for us to,

1:00:41

to set out an annotated map identify how he says do so. So sir, unless I can help you further that that is fine, from our point of view.

1:00:52

Thank you very much.

1:00:56

Okay, so just just before moving over to the applicant, I just want to double check this was no one else wish to speak on this item?

1:01:05

If you did, if you could raise your hands that would be that'd be good.

1:01:10

That doesn't appear so. So I will invite the applicant to to make their comments on this.

1:01:19

Thank you, sir. Scott line is for free he can I take the deadlines and turn starting with deadline, one of whom may. We built on reservation the concerns about it being extended as far as the 14th of September, I will repeat the point that you made, sir and your initial response. But

1:01:42

I would add that one further point to bear in mind is at the moment there is the possibility of issue specific hearings.

1:01:51

And between the 21st to 23rd of September, from both are on Frank to your point of view, to be concerned about the receipt of

1:02:02

papers and material to the local authorities, that soon potentially in advance of an issue specific hearing

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doesn't give either us or yourselves much time to consider

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the local authorities possession and advance or trying to determine what an agenda might be, for example, for any issue specific hearings that are coming up.

1:02:23

Secondly,

1:02:25

if it were extended to the 14th of September, that would leave us until the fifth of October to respond. And there will be potentially quite a lot of work for us to do and we will not be keen to truncate that area that certainly not as far as the 14th of September is concerned.

1:02:45

And

1:02:48

overall,

1:02:50

we don't intend to ask you to vary the deadline for submission of our work. We're working on that basis. And we and we will do that. If you were minded to accept any of the points raised by the local councils, notwithstanding what I've said, perhaps the only reasonable compromise would be to extend the submission of the local impact reports by

1:03:18

by one week, we don't actually see that there's any need to delay the preparation of a local impact report until the local authorities have seen our material, we don't necessarily see that I should be decoupled in that way. But if you were to accept that possession and principle on behalf of the consoles, if any extension were to be given, we respectfully suggest that that's limited to say a week or so. So that the points that you and I have mentioned, sir, can be to be mitigated to a degree.

1:03:51

As for deadline, three? Yes. as has been mentioned already, we would support an extension to deadline three, as intimated in our letter as a third of August. We're reasonably relaxed about it going by two weeks given that the next related affected their line

1:04:18

would not be prejudiced.

1:04:21

We say

1:04:24

by extending it by by two weeks, their line three at the moment is first of November, if that were to be delayed by two weeks. The next really, really at the deadline is deadline five and the 14th of December. We think there is scope to extend

1:04:44

firm holidays as well. We had we had thought a week but I think on reflection the two weeks is being suggested would be comfortably achievable.

1:04:56

The third point on deadlines relates to deadline six

1:05:00

We knew the console's have asked for an extension from the 11th of January next year to the 14th.

1:05:08

We had thought initially that we should ask for an extension to the 18th of January, largely for the same reasons that we mentioned already, the Christmas period holidays and so on. We realised that if that

extension by a week on the line six will be pushed out to the 10th of January, it was probably going to be sensible to align that with with an extension to deadline seven from the 25th of January by a week as well, we think that we'd not put on G pressure on deadline yet, because the timetable could revert to that. And we're, of course, extremely keen that there isn't excessive pressure put on the end of the deadline at the end of the examination period. But we think to avoid any issues over Christmas, extending deadlines six, their line seven by a week would be feasible. If contrary to that, you're concerned about extending their line seven, then the fallback position from our point of view would be to go for the 14th of January, rather than the than the 11th of January. Deadline six.

1:06:23

Okay, that's helpful. Thank you.

1:06:35

Do even my colleagues want to comment on our sorry, we've got Mr. Charles got his hand up. So I'll just invite comments from from her first.

1:06:46

Thanks, Francis Tara from Pinsent masons, on behalf of the chemical authorities,

1:06:50

just wanted on we've heard what you said, obviously, in relation to the comments about producing it on the basis of information we have, and this is relation to the local impact report in particular, obviously, and we also take on board and comforted by the fact that you've sort of picked up on our concerns about information being provided that's been taken into account. We're aware, obviously, you also have the written questions and some of the matters that you've put into those to elicit information as well. Just wants to test the appetite radio, see if the local impact report goes in. Under line one, having also heard what the applicant has said.

1:07:22

We wanted to check whether a supplement or an update to that local impact report once further information have been provided, particularly for example, in relation to modelling whether that would be sort of received as an update to local impact report and whether whether we could sort of arrange things in that matter as well. Not saying one would be necessary, but

1:07:42

the council's do have some doubts about the level information they have at the moment and whether or not they can usefully comment on the impacts and this is not not from my point of view of written representations. It is classic local impact report territory, whether or not

1:07:57

to supplement the local impact report and later date.

1:08:03

May I take that one? Mr. Scriven, you may take that.

1:08:06

Mr. Darrow? That's That's an interesting question, I will have to take that away. It is not traditional for local impact reports to be submitted twice during an examination, especially because

1:08:22

it is a as it's written in vice note one, it is a snapshot in time. And it is supplemented by other representations which are distinct from local impact reports submitted by local authorities, such as the statement of common ground, I fully take your point that the local impact report is a has a particular role under the Planning Act of 2008.

1:08:47

But leave that with us, we will take that into consideration and we will respond to it either in our rule eight letter or at preliminary meeting, part two should be decided to open it again. Think about him open just right off. It's not something we'd be aiming for. But just bearing in mind, as you say, the role and status of the local impact report in order to make sure it is as useful as possible. And we will be starting to do I think it was something that we would look to do as soon as could be done.

1:09:18

Because otherwise it is doesn't become useful.

1:09:21

And I think I think you use two words, which is helpful an update or a supplement. And I think that is the clue for us

1:09:31

is that, you know, particularly with information regarding to traffic traffic modelling, which local authorities rates, in their adequacy of consultation report reported.

1:09:43

Possibly the supplement is what we might be able to consider as distinct from being an update. Okay, well, we'll we'll we'll definitely take that into consideration. Thank you very much. Okay. And Mr. Mr. Lyon is covering you back in please.

1:09:58

So, just before

1:10:00

Before before coming on, there's there's, as you've seen, there's there's this comment the comments around the availability of information to the local authorities to be able to make their local impact reports. And to really help with the process, it would be useful to know when that sort of information if it is going to be made available to the local authorities in the timescales that we've been talking about, for them to be able to write these local impact reports as they wish to. If it isn't going to be made available, then I think it would be useful to know.

1:10:32

Thanks for Scott liners for highways England. I think from our point of view, we're we're taking the view that adequate information had already been provided in order to enable local impact reports to be to be

1:10:46

submitted. I think if any of the local authorities are raising concerns about analysis of information, I think we really need to be told specifically, what information what why the information has been submitted isn't sufficient on what they and what they need. But our position at the moment is that we think sufficient information has been provided to local authorities to enable those reports to be prepared.

1:11:15

Second point that would make is obviously, the local impact reports have a discrete possession and the examination process, but they must be seen in the context that there was a series of deadlines at which local authorities are able to supplement their position based on discussions and further informations released through the examination process. So we don't see the preparation of the local impact report is that somehow necessarily providing the definitive final position of the local authority because they'll have the opportunity to do that through the rest examination? And the realisation of that shouldn't in our view, avoid or prevent the submission of the local impact reports?

1:11:57

On the the current timetable?

1:11:59

Okay, thank you.

1:12:02

It would be very useful, obviously, the applicant and the parties can pick these matters up off offline, then. Yes, sir. Scotland's ready, I was going to say towards the end, obviously, we will welcome engagement as soon as possible with any of the local authorities. And we're doing our best to put that in place through the framework of the step in the common grind process. And we will do our best to advance these matters both before the local impact reports need to be prepared and generally throughout the examination process. So we to take that on board, sir. Okay, thank you. Okay.

1:12:40

But so I think on this item, then this part of the item, we will move on in less than No, there's no other hands up at this point in time.

1:12:50

So if I just move on to

1:12:53

very sorry to interrupt, but I think there was some ancillary matters that were raised in the applicants, response procedure deadline, a response.

1:13:05

And there's just a couple of things that I wanted to clarify.

1:13:09

One was that they've requested the applicant has requested the documents be published on the project webpage in within 24 hours. And I just wanted to clarify that are that they will be published within 48 hours, not quite 24 hours. So I hope that's acceptable. And then

1:13:30

and they've clarified that they will be updating a COVID strategy at the deadline one, and we would we would welcome that. So

1:13:38

Mr. Lynas had had referred to some ancillary matters that they wanted to raise them just just confirming that that was it. Unless there's anything else.

1:13:49

Scott Lyons for highways England. Ma'am, thank you very much for that there were a couple of other points I was going to raise noting your comments already. If we can take them and turn them, please. The first one relates to deadlines to five and eight has nothing to do with the deadlines themselves. But you'll note that those deadlines fall fairly quickly for a suite of debts for potential future hearings. And we just want to put a marker down that there is at least a possibility of some significant potentially significant work needing to be done arising out of those hearings. We're just making a respectful request that should any significant actions be required that we review and appropriate deadline for specific actions as and when the need for them arises at those at those hearings.

1:14:46

The second point relates to further hearings and it probably touches upon the the the virtual nature of hearings as well

1:14:55

as this we'd be very grateful for notification of where

1:15:00

The Reserve hearings are going to go ahead as soon as possible in advance, so that we can arrange for the requisite publication in newspapers, obviously, there's a lead in time to get a response and so on. So for example,

1:15:15

with hearings and the week commencing the 20th of September, we would need to publish notice the 21st, the 22nd of August. And we need to find out by the 16th of August, say about the hearings, so that we could put notices in the irrelevant newspapers.

1:15:33

Related to that renewed entirely the comments about maintaining some flexibility over physical

1:15:41

physical hearings, physical attendance hearings, it goes back to the same point, obviously, whether or not that can feasibly be done will depend potentially on the nature of the issues we raised at the hearing, and therefore the number of attendees and therefore whether or not a venue can be fine, which will

1:16:00

safely hose or accommodate everyone who needs to be there. And obviously, there is a lead in time is required even before the publication of the hearing. So if there is flexibility to be exercised, we are very grateful for your indication mom, that you would give sufficient notice, because there's actually a reasonably convoluted process needs to be gone through before we can actually arrange that.

1:16:28

Thirdly, Mom, as far as the issues, potential issue specific hearings is concerned, can I just say on behalf of the cloud, we're very grateful for the early indication of the agenda items for issue specific one, that was part of a wider issue that we raised in our letter about how helpful we find at the hub advance notification of the agenda items as much detail as possible, because to help you, it helps us get the relevant experts lined up and prepared as soon as possible in advance. So we'll be very grateful if a similar process can be followed for any further issue specific hearings. So I think as far as the draft time table is concerned,

1:17:15

those are other points we wanted to raise or some other matters that I raised under the next agenda item.

1:17:25

Miscellaneous, can I just come back to you on just a couple of matters. So the point about your second point, physical event and notice given with respect to physical event, absolutely noted. And we will make sure that that lead in time for you and other parties, for instance, local authorities, way of working has changed considerably over the years over the last few months. So we will give you as much notice as possible. The first point about hearing notification for the 20th of September, you said that you would need to have the newspaper adverts out on the 25th of August, which is fine. But you said that you would therefore need notification by the 16th of August. So do you really need a week and a bit notification to be able to put adverts ad in the newspaper?

1:18:16

Yes, my instructions are that we would need that long, because there's obviously an internal process that needs to be gone through even before we contact the newspapers.

1:18:28

Okay, yeah, sounds because I think the newspapers are issued on a particular day. So it's not necessarily a neat timing in advance, you have to give a certain period to allow the newspapers to set themselves off. So we can't necessarily go to the newspapers on a daily basis, there will be a certain time that we have to go back to the newspaper to achieve a certain stop. Which is why I think in the latter, we suggest to the 16th.

1:18:54

does mean there may be some flexibility in that but I think ideally the 16th Okay.

1:19:01

Okay, that's noted.

1:19:04

Physical event, we've covered that issue specific hearing agenda. Yes, for the

1:19:11

it is our intention to at least send out the notification as as early as we possibly can. And with the notification, we will have a bullet point list of the matters that we intend to cover. With the detailed agenda, like the kind that went out on the sixth of August, last Friday. That agenda will only go out a week in advance.

1:19:34

So, so I think that is the intention.

1:19:40

Does that does that work with what you were saying? I mean, if it were at all possible, obviously we're in your hands when we walk we understand the work that has to be done to prepare that. If it were at all possible to have a little bit longer than a week. It's a case of us preparing not just lining up the

1:20:00

experts at making sure that they can work through each of the sub questions so they're prepared to answer those. I think it's really as soon as as soon as possible, really that we entirely understand the constraints that you're that you're working to as well. Yeah, yeah. No, that's helpful. Okay, that's, that is good. That covers it for me back to you. Mr. Scriven. Thank you, I can see Mr. battlefords got his hand up so that if you wanted to make these comments now,

1:20:32

this is a very short point supporting, hopefully the good intentions of Mr. Linus and their acceptance by the panel. One of the things on other DCM examinations that has been extremely helpful on the part of the panel. From the point of view of applicants and participants has been if a reading list of the

documents of particular interest to the examining authority can be published with the questions, then the experts and advocates can turn to that rapidly that that's been found helpful. I put that to you as a as a suggestion rather than a formal submission. Very useful when it happens. Okay, thank you. Comments noted?

1:21:16

Okay, so I'm just going to move on to managing change in the process now. So the examiner authority know that a lot of work is going on behind the scenes to try and resolve points between parties. We're trying to retain as much flexibility and examination timetables to ensure we can accommodate the examination of issues that might arise without the need to change the timetables later in the examination period. However, the examiner 40 would like to take the opportunity to advise that there comes a time when effectively it becomes too late to accommodate any changes of substance because of the need to consult and take and take our procedural steps in proper to properly examine the proposed change. And advice. net 16 available on an official national infrastructure website explains this in more detail.

1:22:02

Sorry, I can see

1:22:07

there's a problem here with network quality. Can everybody hear me?

1:22:12

I can hear you very clearly. Okay, thank you. That's good.

1:22:17

I will just close that. There we go. Right. So let's go back a little bit. Here we go. So advice no 16 on the national infrastructure website explains this all in more detail for for this examination. Um, there's, there's really a point where there's a cutoff for make for any significant changes. And that's around deadline three so as to enable parties sufficient time to digest and comment on the changes and also inform the need for any scheduled hearings at the timetable. Can the applicant confirm if any likely changes are to be forthcoming? And if so, any indication of when this might be please. Thank you.

1:23:00

Scott Lyons Ritchie, no one instructions that the relationship again changes, but the comments you've made about timings are noted.

1:23:08

Okay, thank you.

1:23:11

And moving on to the port on the implications of for European sites, which I should refer to as the Reese is a bit of a mouthful. So we're an applicant has provided a no significant effects report or habitats regulations assessment report with the application, the examiner for which you may decide to

issue a risk during the examination, the use of the factual account, but the information and evidence provided to the examiner an authority on habitat regulations assessment matters during the examination up to the date of publication of the race, for the purposes of enabling the secretary of state as competent authority to undertake its habitats regulations assessment is not the examiner for which his opinion on these matters. If a race is required, comments will be invited on its content by the examining authority for submission at deadlines six nmsc will be taken into account as party examiner forces recommendation to Secretary of State. So thank you all for your comments on this wider agenda item. And I will now hand back to Mr. High for any other matters.

1:24:17

Thank you, Mr. striven.

1:24:19

I just want to acknowledge very quickly that we've not had a break even though I promised it at 11. Should anyone want a break? Please raise your hand. But I do, I believe with questions. We should be able to bring this meeting to an adjournment fairly soon. But if you did want to break please raise your hand.

1:24:43

No, I will continue. I'm assuming my colleagues are happy to continue as well.

1:24:49

Agenda Item, just any other matters. We've covered timetable in quite a bit of detail and as I said very good points. We will take that into consideration and it will

1:25:00

will be issued with our rule eight letter of final timetable. Were there any other matters from anyone?

1:25:07

Mr. Linus.

1:25:11

Thank you, ma'am. Scott liners for highways England, with a couple of brief matters, please. First of all the accompany site inspection we were asked about at timings and length of time for that, just to record our position that we've read the submissions from the other parties for which regret from what you've mentioned already, our estimate is a two days we've been needed for the company's site inspection to allow for travel between sites and other basic logistics of moving around.

1:25:46

As for dates, we can be flexible within the 21st 22nd 23rd 24th and 28th of September, any of the two days within that period would be acceptable to us. And we welcome any indication from the panel either about further sites which need to be taken into account as part of that visit, or any preference for dates. But we're content to be flexible within those that I've mentioned.

1:26:16

The second point relates to open floor hearings. I understand we were asked to confirm whether it would be seeking to respond orally,

1:26:26

at those hearings, in response to comments that were made by others or in writing after where content, provide comments and in writing after on the note and welcome. The panel's review as to whether or not both open floor hearings are required in the light of the number of representations that may be made. But just to confirm, were content to put in writing any responses rather than do those already at the hearing? that's acceptable the panel

1:26:55

support points notice, and yeah, we It is our intention with the rule eight, two.

1:27:03

It is our intention with the rule eight to send out the notification for the hearings and the company site inspection. So what's happening on which day should be very clear then? and comments in writing after the open flow hearing would be our preference as well. So thank you for that.

1:27:21

Any further points, and

1:27:24

no, thank you very much. Thank you, Mr. Lyons. Any other further point? Any other points from anyone else at the meeting?

1:27:36

No. Okay, I am contend to adjourn the meeting shortly.

1:27:43

Just as I said before, the purpose of the adjournment is to enable people who are watching this event on Livestream or catching up afterwards, using the recording to have the same opportunity to have their say, as you have had here today. And they can do that by making written submissions by procedural deadline B, which can include a request to be heard orally, at procedure preliminary meeting part two.

1:28:09

Once again, I just want to remind everyone that we are not accepting any in principle new submissions at preliminary meeting part two.

1:28:18

And indeed, if we don't receive any substantive submissions by procedural deadline B, we may not reconvene preliminary meeting Part Two and close it in writing.

1:28:32

Does anyone have questions about preliminary meeting Part Two?

1:28:40

Know.

1:28:43

Okay, that completes our business for today.

1:28:47

It is now 11:31am on the 10th of August 2021 and I adjourn this brunnera preliminary meeting until the Wednesday until Wednesday the 18th of August at 10am. Thank you very much for your patience and participation.