

TEXT_A428Blackcat_ISH1_Session1_180820 21

Wed, 8/18 6:19PM • 1:04:41

00:03

Good afternoon, and welcome everybody.

00:07

It is now 2pm. And I'm starting the first issue specific hearing for the application made by highways England for the a four to eight blackcat to Caxton gibbet road improvement scheme.

00:20

Before we introduce ourselves, please bear with me while I deal with a few housekeeping matters.

00:26

Can I check Miss Gregory? If you can hear me? Yes, I can hear you. And could you also confirm that the meeting recordings and live streams have started?

00:38

Just bear with me one moment.

00:41

Check the live stream.

00:47

Okay, confirm that that started now. That's wonderful. And have there been any requests for reasonable adjustments? No, no, there hasn't. Okay. Thanks a lot.

00:59

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

01:22

Yes, thank you. Good afternoon. My name is Andrew Parkin, and I've also been appointed by Secretary of State as a member of this examining authority. I will be leading on agenda items for five feet and five days afternoon and are passed on to my colleague Mr. Scriven.

01:39

Good afternoon, I'm Matthew Scriven also points as member of this examining authority. Today I believe non agenda items three and six G. Mr. Park and I will pitch in with comments and questions as necessary.

01:56

Thank you. So also present today are three members of the case team. Case Manager today is Miss Michelle Gregory, Miss Gregory's covering from Mr. Emery Williams, who you may have had contact with previously. Mr. Williams will be returning to case management next week. The case officers covering today are Mr. Edwin Maudsley and Miss Katherine on loan.

02:19

I want to acknowledge and welcome those who are watching the livestream today. And finally, welcome to the attendees in this virtual room. I will invite you to introduce yourselves. When I call the name of your organization, please could the entire team from that organization, turn on their cameras and microphones and introduce yourselves. We will remind you repeatedly throughout this hearing to state your name and the name of your organization. Before you start speaking this is for the benefit of everyone, and in particular for the recordings and people viewing that recording later on.

02:53

So if I could start with introductions from the applicants team, please.

03:03

Good morning, or good afternoon, mom. Can you hear me okay. We can do? Yes Mr. Lyons. Thank you very much. My name is Scott Lynas, Queen's counsel, and instructed by Womble bond Dickinson for highways England, as you might in terms of Pitt mom, we have a fairly extensive cast list. So to avoid people speaking over each other, should I read their names out one by one and ask the under introduce themselves? I think that'd be very helpful. Thank you very much. First on my list is Luray and replace. Good afternoon. So my name is Larry Hendry. I'm from Womble bond Dickinson on behalf of highways England, the applicant today.

03:41

Next is Johnson Bauer. Good afternoon, Madam My name is Jonathan Bauer from Womble bond Dickinson on behalf of the applicant. I'll be dealing with elements relating to the draft decio then item six on the agenda.

03:57

Next is Ted Doherty, please. Good afternoon. My name is Ted Daugherty from a calm I'm project manager for the scheme and I'm supporting the applicant. Mr. Doherty mo will be dealing with items three and four, five on the agenda. Next please. Naomi kretchmer.

04:22

Naomi able to

04:25

introduce herself.

04:32

Slight technical difficulty. We'll fix now.

04:36

Good afternoon. So my name is naimah Kretschmer and I work at a calm and I'm here on behalf of the applicant pilot.

04:44

Almost a little bit dealing with various matters across items three, four and five of the agenda, ma'am. Next please. Stephen would

04:56

Good afternoon, Steven wood from a calm and

05:00

I'm representing the applicant highways England this afternoon. And Mr. Wood recovering aspects of item three, ma'am. Next Jimmy Gleave, please. Good afternoon. I'm Jamie Gleave, I'm from a calm and I'm representing the applicant highways England

05:18

and Mr. Clay will be dealing with aspects of items four and five months.

05:23

Next, John Rooney please.

05:27

Good afternoon John Rooney from a calm representing applicant. Addressing matters in relation to landscape and visual impacts. calendar item five, thank you. Next Ian Davies, please.

05:39

Good afternoon. Ian Davies from a calm representing highways England and I will be covering matters on greenhouse gas and climate.

05:47

Thank you, Andre. item three and Simon Buckley. Next please.

05:53

Yep,

05:54

excuse me. Good afternoon. I'm Simon Buckley. And I'm from a calm and representing the applicant this afternoon. Mr. Buckley will be dealing with aspects of item five relating to flood risk, Ma'am, I think as everyone

06:08

Yes, it is the applicant team ma'am.

06:11

Thank you very much and welcome to each and every one of you.

06:16

If I could now invite the team from Cambridgeshire County Council, please first.

06:25

Hello, my name is Chris poultney. From Cambridgeshire County Council, representing today not only Cambridgeshire but also South Cambridgeshire and Huntingdon Shire district. If I could introduce Francis tool.

06:39

Good afternoon, ma'am. My name is Francis Terrell, I'm from Pinson Mason's we are acting on behalf of Kingfisher county council, South Asia District Council and District Council.

06:50

So I suggest that we introduce the other members of our team in like fashion as the applicant has done that is useful. I think that'd be very useful. Thank you, Mr. Chair.

07:00

So I mean, firstly, I'll introduce the other two leads, if I could ask changjie Domingo, to introduce herself.

07:08

Good afternoon. I'm from South Cambridgeshire District Council and will be represented by Genevieve broad and Emma, Emma Davis, in terms of climate and biodiversity.

07:24

Thank you, and welcome to all of you.

07:26

So, Mr. will be assisting with any issues in relation to items three, B, and B will be representing in relation to any issues on item five B.

07:41

Next, if I could ask the attendees from South Cambridge District Council to introduce themselves starting.

07:54

I think actually you mean from panting venture planning? Sorry, my mistake. I did. Sorry. Apologies. Yep, that's okay.

08:02

I'm Claire Burton, the project lead from Huntingdonshire District Council. And with us today we have Mr. Davis who's only been Besant who will be representing on behalf for thought also authorities came with yourselves count on Huntingdonshire and Genevieve Genevieve board and we also have a number of other colleagues with us. Melissa Reynolds Claire bond and Molly.

08:32

Thank you very much. So is that all the introductions from the three councils Huntingdonshire District Council South Cambridgeshire District Council and Cambridgeshire County Council.

08:46

We also have Chris Carter available on the call as well.

08:51

Yes, good afternoon, Chris Carter on behalf of the South Council District Council.

08:58

Mr. Carter.

09:01

Thank you.

09:03

Okay, thank you. I think that covers the three councils. I can move on now to Central Bedfordshire Council.

09:18

The council

09:24

Mr. Kemp, we can barely hear you or you

09:28

could choose not any better. That's much better.

09:35

Yes, a shoe at Camp central Bedfordshire Council. I'm the only attendee from Central Bedfordshire council at this session.

09:42

Okay, welcome, Mr. Kemp. And we can now move on to Bedford Borough Council.

09:51

Thank you, ma'am. I'm Alice Duran from Bedford Borough Council.

09:56

A number of my colleagues are attending who will introduce themselves one

10:00

It's time we start with Jeff Saunders.

10:03

My name is Jeff Saunders. I'm Bedford Borough Council on the archaeology officer.

10:09

Melanie McLeod. Hello, everyone. I'm Melanie McLeod on the transport Policy Manager at Bedford Borough Council. Good boy Romans.

10:20

But really Romans better counsel on the middle space planning manager, and Jack Watkins.

10:26

Good afternoon, all. My name is Jack Watkins. I'm the Conservation Officer, counsel.

10:31

That's our 14. Thank you. Thank you very much for your introductions. And welcome to this issue specific hearing.

10:39

If I could move on to introductions from colleagues from the Environment Agency, please.

10:54

Mr. Nevel, your,

10:56

your microphones off.

10:59

Apologies, ma'am.

11:02

Good afternoon.

11:04

There are three of us representing the Environment Agency

11:07

on level bang on the planning advisor, and I'll pass over to my legal colleague joined by.

11:17

Good afternoon, I'm joined by opte. I'm a solicitor representing the Environment Agency here today. And can I just introduce my colleague, Jenny Goff, who is the senior flood risk advisor on behalf of the agency.

11:34

Thanks, Joe. Good afternoon, Jenny golf for the Environment Agency, senior flood risk advisor. Thank you. Thank you very much, and welcome to all three of you. Okay.

11:46

Next, if we could have introductions from natural England, please.

11:51

Yeah, so it's Camilla davidge, from natural England and I'd be looking at providing comments on five be

12:02

welcome, Mr. Savage.

12:05

I believe we have one attendee from National Farmers Union.

12:09

Could we have introductions, please?

12:13

Good afternoon, Alice Charlotte, on behalf of the National Farmers Union. I'm a rural surveyor working on infrastructure projects across England and Wales. I can miss Charlotte.

12:24

And I think we have now attendees from East West Railway Company Limited.

12:35

Good afternoon. My name is Howard bassford. I am a system partner in the law firm, DLA Piper, UK LLP and I appear on behalf of East West Railway Company Limited. I'm supported by Mr. Mark Hume, who will now briefly introduce himself. Hello, Matthew representing East West rail,

12:56

design Delivery Manager.

13:00

Him and welcome to the bassford. Thank you for introductions.

13:07

I believe that is everyone. If I have missed somebody, please could you raise your hand and I will call you in turn?

13:17

No, I believe that, everyone. So thank you very much for your introductions. And welcome to everyone.

13:25

I will move on now to agenda item two, I have four points to make here.

13:32

First, a few words to acknowledge the virtual event today.

13:36

We have examining authority are attending this meeting from the planning Inspectorate office.

13:42

We understand that you might be attending from your homes and offices, so on.

13:47

So should there be any type of technical failures, please try to join back using the same link from

13:55

using the same link that went out to you and your invitation email.

14:05

Same

14:07

operative apologies, sorry. So how is your camera's freezing up so it might be worth trying to turn it on. And off. Okay. I'm going to turn my camera off.

14:19

And I will continue speaking and try turning my camera back on

14:23

in a few minutes. So technically, I was just about to say our technology has been cooperative so far, but just this afternoon, things have turned slow in our office. So we do have one or two contingency plans such as turning things on and off. But let's hope we don't need to use too much of that conventions contingency plan this afternoon.

14:47

Unlike in a physical event during today's virtual meeting, you will be only be able to see our head and shoulders or none of us at all.

14:55

And which I do admit makes reading body language more difficult.

15:00

During the meeting, members of the examining authority may be looking down taking notes or viewing a separate screen. Similarly, if you're watching us speak, then we are likely to be looking at your image rather than directly towards the camera. This does not mean we're not listening to you. I want to assure everyone that you have a full attention at all times.

15:22

To avoid visual and noise distraction, only the panel member leading on a particular agenda item will turn their camera on. I'm going to try turning my camera back on again.

15:34

But I trust my colleagues will tell me if that's going to be problematic.

15:39

Again, Please be assured that even if our cameras off you have our fullest attention, and we will contribute with comments or questions as required. We ask the same of you. Please keep your cameras and microphones off until you're invited at a specific agenda item.

15:55

We will also pause at various points and give you an opportunity to ask questions or make comments. Please wait for those opportunities and raise your hand on Microsoft Office team.

16:08

Please do not use the chat function that is not being monitored.

16:13

If there are any attendees on telephone today, please use star six to unmute yourself.

16:20

Virtual events cause fatigue. So we will ensure that each session of the meeting is approximately 90 minutes. Noting that you may have been in the arrangement conference for some time already, we will take a 15 minute break to approximately at approximately 3pm. We will resume again session two at 315 and go on until 4:45pm.

16:43

And at that point, if required, take another 15 minute break, resume session three at 5pm and go on until required or up to a maximum of 5:45pm. If you decide to leave the meeting during the breaks, then you can rejoin using the same link provided in your invitation email.

17:03

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

17:09

The second point that I just want to make you aware is that the event is both being live streamed and recorded. The digital recordings that we make are retained and published. They form a public record that can contain your personal information and to which general data protection regulation GDPR applies. The planning inspections prak practice is to retain and publish recordings

17:33

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 preliminary meeting, it is important that you understand that you will be recorded and that you therefore consent to the retention of the publication of the digital recording. It's very unlikely that the examining authority will ask you to put sensitive personal information into the public domain. Indeed, we would encourage you not to do that. However, if for some reason you feel 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, we will then explore with you whether the information could be provided in written format, which might then be redacted before being published.

18:22

Does anyone have any questions? With regards to the two matters that I've raised so far? Please use your raise your hand function on Microsoft Teams.

18:34

No. Okay.

18:36

The third point is about the substantive matter of today's issues specific hearing itself, which is titled early clarification on strategic strategic matters.

18:48

all interested parties, which includes the applicant, and anyone who made a relevant representation within the specified period and on the form provided any affected person in relation to compulsory acquisition, and other persons have been invited to this meeting.

19:06

statutory parties have specifically been invited today in light of their particular roles. The agenda for this meeting was published on the planning Inspectorate national infrastructure project webpage on Friday, the sixth of August 2021. I trust everyone has access to this agenda. The main purpose of the issue

specific hearing today is to clarify and get views on strategic matters relating to one the need for the proposed development giving consideration to the intended East West railway scheme, the recently published decarbonizing transport document and the revised National Planning policy framework. assessment of number two assessment of alternative junction designs at blackcat and the demolition of Brook cottages. Three environmental effects during the high pressure including the high pressure pipeline diversion

20:00

habitat regulation, assessment, good design and flooding, and for some key matters relating to the draft development consent order. Now these matters are covered in some detail in the examining authorities first written questions in an advanced copy was published on the 21st of July. But at this hearing, we're looking for clarity on the applicants strategic approach on the matter and party's views on that approach. We expect the representation of this hearing to in a way set the scene for more detailed responses to first written questions. It is a very full and ambitious agenda. And it is my intention to keep under review our progress and it might be that I request certain aspects to be held over and addressed as part of your responses to the first written questions.

20:50

The fourth and final point from me at this point is regarding post hearing actions should they arise during this hearing.

20:59

The assumption is that post hearing actions will be expected at the next deadline, in this case deadline one Tuesday the 31st of August. However, acknowledging any resourcing constraints constraints that your end if you feel meeting that deadline will be difficult for you. Please do raise that at the hearing itself so that if it is possible, we can accommodate that in the deadlines that we set out in the post hearing Action List.

21:28

Are there any questions to the points I've read so far?

21:35

No.

21:37

Okay. Mr. Scriven, if we are ready for agenda item three, I think we can dive straight into it.

21:45

Okay, so let us begin. So if I could have the maybe the applicant and representatives from East West rail company, have their cameras on for this item for three, that'd be helpful for me.

22:09

Okay, thank you.

22:11

Okay, so various representations include a reference to the east west rail proposals, the east west rail company have also expressed their desire to seek appropriate protection for the for the project as they describe it. We have also given the east west rail company of a person status in the examination.

22:30

I'm going to start with a question to the applicant first, which is actually three a two, rather than starting on three a one. There's, there's reasoning behind it. And so if we could, if we could start there, can the applicant explain what regard has been given to the intended East West rail scheme in assessing the need for the proposed development? And likewise, the benefits of the proposed development?

22:56

Sir, perhaps I can summarize position and the last Mr. would add a bit more detail if that's possible.

23:05

Starting Point, sir, is that East West rail hasn't been specifically included in the traffic forecasts for the a 48 scheme that underpin both the operational economic assessment. That's because there's currently no information available for us to assess the overall and detailed impacts of whatever proposals are coming forward since the details have yet to be confirmed. But all that said,

23:36

a high level assessment has been carried out relevant to the needs case as part of the option identification and selection stages assessment which has been supplemented by further consideration which has taken place since then, which we propose to explain further both through Mr. Wood on the deadline one material, but in short, it has used information provided to us by E WR on the potential for mood shift from road to rail as a result of their intended project. And the assessment work that we have looked at has concluded that East West rail would only provide a very small fraction of the traffic relief on the A for two years compared to the proposed highways scheme.

24:29

Essentially, the east west rail project as we understand that even at this stage doesn't affect the need case are set out in our application including chapter two, the ies, which is app 71 and the case for the scheme in particular, app 240.

24:51

In essence, the east west rail wouldn't provide a solution to solving the congestion delays on Jerry

25:00

Any time on reliability, which are experienced, along with the network resilience issues that you'll read about on the a 48. Hour between black card and Caxton give it

25:14

essentially the need for this case a specific and a way that East West rail would not affect. So best East West rail we think would result in a very modest effect on the trips along the road network. And it wouldn't affect either than the case or the purpose of this scheme.

25:33

That is, in a nutshell, our position, but perhaps I could ask, Mr. Wood, if you'd like to add anything to that.

25:45

Thank you, Steven wood from a comb.

25:50

On behalf of the applicant, highways England, I'm happy to expand on one or two additional points. I think Mr. Linus has given a very, fairly comprehensive answer to the question. But perhaps if I could just expand on the assessment that was carried out in

26:13

terms of our forecasting,

26:16

I think this is the original story. Is this the original forecasting or the revised forecast? And this is this is the forecasting submitted as part of our, our submission. So so that's the that's the details are set out in the combined modeling appraisal report, which is a pp 250. I think the reference,

26:39

we are

26:40

fairly, we're guided by the Department for Transport tag guidance, and that's actually very prescriptive in terms of what what is included as, as various developments and, and clearly, the reason that tag guidance is so specific is that it's important that all assessments are carried out on a fairly consistent basis. And the guidance we follow that sir, take unit m four is that any schemes for inclusion need to be near certain or more than likely, and clearly, at the at the stage that we were doing our, our assessment, the details of the of East West rail were were certainly not known. Clearly, since then, there has been a non statutory statutory public consultation, but clearly the do details of the East West rail have yet to be finalized. And clearly there are different alignment options and, and stations options as well. So it's really not possible for us to to precisely define that within our assessment. So So therefore, in accordance with tech guidelines, it has not been included.

28:10

I'm really just to perhaps add to a little bit more about the initial assessment that was undertaken this this was carried out as part of the

28:24

option identification stage at very early stages of the project.

28:31

And we did utilize some information that was provided by East West rail and that looked at the potential transfer from road to rail as a result of a an East West rail scheme. And certainly, the conclusions that we reach was that clearly, an East West rail scheme would only provide a very partial

29:04

solution to the problem given that it would only provide a fraction of the traffic relief compared to the a four to eight scheme. So therefore, it wasn't

29:15

really viewed as a as a solution to meeting the very specific objectives of the of the a four to eight corridor and therefore wasn't wasn't taken forward for for any further detailed assessment as a as a scheme. I think I just like to really finalize or just to summarize by saying, we certainly believe that there is a need for an East West rail scheme, but but I think the schemes the two schemes should be regarded as complementary rather than competitive.

29:53

Thank you.

29:56

Okay.

29:57

So we're expecting then

30:00

revised information at or updated information at the deadline? One sec, correct? That's right. Yeah, the work that I referred to appears in different documents, and we will provide you the full details at their line one, sir. Okay. And there'll be opportunity, obviously, therefore, other people to comment on, on that as and when that's received and read by everybody else. Okay. Yes, sir. Thank you. So, I'm going to move on to the next question, which is really for East West rail? I think.

30:38

So for the benefit of all president, can the east west rail company provide a high level update on the current stage of development of the proposed rail scheme, and particularly including when or if more detailed information will be available on the current preferred route or routes?

30:56

Thank you, sir. First of all, you didn't give us an opportunity there to respond to to the highways England. And I think it's appropriate to say that it's East West rails position is that as as Mr. Wood has just set out, the schemes are complimentary. The lead for East West rail was identified by the national infrastructure commission, which which identified the need for road and rail provision within the Oxford

Cambridge arc, and that road and rail schemes do not achieve the same, the same objectives and so therefore, they they perform unsurprisingly differently in their respective environments. So we'll save

31:43

that but I think Mr. Wood camp right does absolutely correctly that the schemes are complimentary, rather than competitive and that there is a need for both schemes and that they've certainly the position of East West rail.

31:57

In relation to question three a one, you've requested an update on the current state of development of

32:06

the ski. The East West rail scheme, as I've said, was identified by the national infrastructure commission some years ago as being necessary. The

32:15

section between Bedford and Cambridge was first the subject of non statutory consultation between the 21st of January 2019 and the 11th of March 2019. That looked at route options, which are broad areas in which it would be possible to or or appropriate to

32:40

develop route alignments for the scheme. And the announcement of the preferred route option, which is route option II, which is very close to and overlaps with the a four to eight scheme area that took place in early 2020. Most recently between 31st Of March 2021 and the ninth of June 2021, a second nonstatutory consultation has taken place, and that has locked in this particular area at prospective route alignments which are the the narrower areas in which the railway could be constructed. And some nine alignments were identified, FIDE and reported on in the technical documents and consultation documents that accompany the non statutory consultation. Of those, there are five which were identified as a shortlist. And of those two were identified as being potential emerging preferences for East West rail in the consultation documents,

33:47

the two that are identified as potential emerging preferences, although the the company remains open minded, and is currently reviewing the outputs of consultation are alignments one and nine. And the alignments which were in the shortlist are alignments, 1268, and nine. All of those are contained to the consultation documents that have been published by Southwest rail. And all of those will set out for you in writing as we come to deadline, written deadline one in this examination so that you have those before you. Yeah, so just just to come in on that. So at this point in time, in terms of the information before us for in the examination, we've we've we will note, we have only got the maps that are provided as part of the application document of the applicants. That's correct. That's why we set it out for you in the submissions that deadline one, I think deadline one, the one that is to take place at the end of this month, so that you have visual representations of the proposed railway alignments, the options

35:00

At that stage

35:02

now of those alignments one to nine obviously so you'll be able to investigate this yourself acting inquisitorial Lee alignments one to a nine pass on the northern side of the a four to eight, and therefore have a number of interfaces with the railway line at six crosses the a four to eight Black Cat, but then does not further interface with the with the road scheme. Alignment he doesn't really interface with the road scheme at all alignments one to nine cross

35:40

variously the black cat junction, Barford road be 1046, Cambridge road, Toseland road elderslie Bridge and Caxton gibbet and so that there are a series of potential faces in terms of the evolution, the the applicant has been engaging with Israel and vice versa very, very constructively. The nature of those potential interfaces has been considered, and at an appropriate point should should a decision be taken on a preferred route alignment, then it would be possible for us to identify in more detail what those are likely to be. In terms of timing, sir, I think I can say that we're expecting statutory consultation to take place in 2022. And at this stage, I cannot give you a timing for the date of a preferred route alignment, not least because of course, we have to weigh and consider carefully all of the consultation responses that have been received from the public before any decision is taken.

36:50

I hope that's helpful. We will set the sanction writing for you as well, both in the summary of this submission and in our responses to your written questions. Okay, yep. But that is helpful that there will be a couple of questions. I want to I want to raise that I'm just going to ask the applicant to come in.

37:10

shortly. There we go. Have you got Have you any comments to make on that? Yes, sir. A few brief comments are from a think we're sort of moving on to the third. Because that's

37:24

what I'll cover it anyway.

37:27

If I can deal with this way. I mean, in short, just to date without agenda item, sir.

37:34

We don't see the east west rail scheme on the a 48 scheme as being inter dependent at least as far as NATO is concerned, I think as a agreed possession, as Mr. basford has accepted. No one is saying that the need for one scheme somehow affects any suggested need for the other because a complimentary

37:55

secondly, they're not ended ended appendant as far as the delivery is concerned, because it'll be delivered independently of each other. As far as interactions are concerned, I mean, I do have to say

that, based on the the process and the history of consultation, Mr. bassford has meant has mentioned, there are at least is the potential for some interaction between the East West rail scheme and the project, but one has to bear in mind as part of an ongoing consultation process where no final decision has been reached. And when you see the information a deadline one, the plans which show the currently emerged, emerging preferences for fruit alignments are if I can put it this way for the low resolution, which means it's impossible for us to assess whether there will in fact, be interactions in any particular location. So

38:57

we don't believe that we have actually considered with East West real the nature of potential interactions, mainly because we haven't seen information as to hide any potential interactions might arise. And if Mr. bassford saying more information is going to come forward. And 2022 we'd be interested to know when that attends illustrate our point that there just isn't information at this stage, which we can reliably use to understand what interactions there may there may be. So there isn't specific detail about the location of interferences, what they might involve, and that's largely because the final alignment of these West routes just hasn't been determined yet.

39:43

Okay, thank you.

39:45

Mr. basler. was anything in response to that just, I'm sure it's just a matter of being up to date. But Mr. Linus, his client and my client have indeed been discussing locations and what might come to pass that simply I suspect a

40:00

A quest general for the

40:05

the the timing, they aren't mattered. And this is Mr. Lyons absolutely fair to say the resolution is low, not least because there has not been a selection of a preferred route alignment, and therefore there isn't a, it wouldn't be appropriate for the first rail and housing to bank on a particular alignment. So, so things are, to an extent speculative. And I think that's fair of Mr. Lynas to say that. So can I. So in that case, I just, I'm just trying to work this one through so there's a fair bit of uncertainty on several what could be important areas of the proposed rail scheme, and it's slightly interaction with the proposed development. So how would East West rail company propose the applicant or deals with this, to meet your to meet your needs in the draft decio development consent order.

41:01

So we will be putting forward draft protective provisions, they will, needless to say, be very different to the sort of protective provisions you would expect for a body like Network Rail, because we don't have an identified elements that is to be protected, they are expected to be more in the nature of drafting that secures Joint Working as information becomes clearer. And they should enable

41:38

clarity as to where there is an interface, the the way in which that would be handled between the parties, because for instance, if a if an alignment were to be selected, which crossed the a four to eight or any of its side roads, then we will make sure that the that the delivery was as convenient for all parties as possible. And so that that is very much the the intention that we have, in terms of that proposal.

42:13

There are opportunities potentially for

42:17

for joint working later in the program for a four to eight and early in the program for East West rail. But again, these are matters for

42:27

development later, as certainty improves, rather than for us to tell you in exact detail what they might be at this stage.

42:36

Okay, so before we move on, is the Linus Is there anything you'd like to respond on that just to two points from a survey. The first is this

42:48

will be quite useful to know if there's any information about when and 2022. We can expect that sort of next stage of any proposals to come forward. A baby that is was really unable to say which would tend to reinforce the point that I've made. But if there is an information on the timeline for that it'd be useful to know. The second point is that, as far as there's mention of protective provisions in the order, we can obviously debate this in the other sections of the inquiry. But in general, if you're looking at protective provision, they relate to an asset which has to be protected. At the moment, we just don't know what asset that would be. Of course, if there's mention of cooperation between the parties, as far as Joint Working is concerned, any matter dealing with those issues, we'll have a cooperation agreement, rather or otherwise, as something that would be sorted out outside this decio process doesn't need to, we would say form part of protective provisions as they're as they're normally understood. But we can obviously pick that up in discussions with with these West rail and if necessary, deal with it when we're looking at the draft or the DCU. But that's the summary of our position as dancer.

44:14

I think there's a very important point. So which is the Protector provision is to protect an undertaking, as opposed to an asset, sometimes they protect the assets of undertakings, but they focus on undertaking that East West rail is that is an undertaking at this stage.

44:30

That, obviously, we will end up having a tough will about the nature or content of any protective provisions or whether they're included or not, and also whether it's a contractual solution as well, but we need not detain you with those this afternoon, especially without any papers before you.

44:44

Okay, thank you.

44:48

Mr. Hi. I noticed your Yeah.

44:52

Just whatever it is, whether they're draft protected provisions or a cooperation agreement, what you did say that you

45:00

I'm going to submit that into examination in due course, did you have any idea of the timescales for that, I would like them to be before you as soon as possible. And also, of course, before Mr. Linus and his client, as they will want to engage with them as well. So, so without delay, madam.

45:17

That's helpful. And I particularly say that because one of the last points you made, you did say that these protective provisions will be rather different to the kind that Network Rail or

45:32

would put forward. But you did mention that if there is no need for slip road, on either side of the route, for your stations, and so on, and so forth. So I think what we would be particularly interested to know is if there are things that would need to be built into this decio and indeed the design

45:54

of the scheme, then whether there will be enough time for the applicant to consider it for the examination to look at the evidence and seek views from all other parties.

46:10

The present with the with a

46:17

five to nine alignments in the public domain,

46:23

it's difficult for us to say watch the watch the interfaces would be that if it were possible to say what the alignments would be, then we would want to have spoken to I was England in advance. We can identify the touch points, but the details and their inclusion in this decio would be would be difficult before

46:47

a preferences expressed. We note your comments in part A of the preliminary meeting, in terms of the timing in this examination, if any changes were required, even if he was England were minded to accommodate East West rail, something having been identified then those those strictures apply that you have six months starting now. And so therefore, if it was to be achieved, we would have to move swiftly. We understand that.

47:18

Thank you. That's all from me. Okay. See, Mr. Lyons wishes to come back.

47:27

Sorry. Yes, just one final point and we do see

47:32

very great difficulties in achieving something within a decio that is as specific as Mom, you appear to have been suggesting, given the relatively speculative nature as Mr. basford put it about a red alignment at the moment. Insofar as Mr. Botha is anticipating some form of drafting coming forward by way of protective provisions, it would be useful to know when we are going to see that because obviously, we need to digest that and respond to it as quickly as we can to help you sir.

48:09

Thank you.

48:13

Okay.

48:16

I think we will bring this one to a close now, this particular question and move on, if that suits all. So, if we can turn so if I can turn to the decarbonizing transport question, which is three B.

48:37

So, just before, before we move on to it, we're aware the Secretary of State has very recently consulted upon matters relating to the carbon budget order 2021 with respect to the M 54 to M six link road scheme, that is that pre decision stage currently will not be covering matters related to how the carbon budget order might affect the application here today. However, the matter will be included as an additional question in our first round of written questions. So just to give you the heads up of that.

49:05

So further to the government's recently publishing its decarbonizing transport strategy, or document rather better greener Britain, what implications if any, are there in relation to proposed development from the perspective of the applicant?

49:20

So, if I may offer a few introductory comments and I'll pass on to Mr. Davies to explain a little bit further

49:30

the decarbonizing transport plan published in July this year. It's a document supplier to transport generally and in terms of road traffic focuses on specific commitments to reduce emissions from vehicles such as phasing out of new non zero emission road vehicles by 2040. Supporting demand for charging infrastructure and so on, and was anticipates support and moves to Tobin transit

50:00

Words, there's nothing in the document bearing in mind, we're looking at need here nothing in the document suggests that avoid the need for new roads and particularly the data with specific problems with an existing network as we have here or that it undermines any existing strategies.

50:19

So, the emphasis is on clean transport not necessarily less. So, as far as this topic appears under the broad rubric of of need,

50:31

we do not consider that as our thing and decarbonizing transport that undermines the need kiss.

50:40

As far as carbon is concerned, I knew you have touched on carbon budgets already and that's covered in a separate question. But the impact of the transport decarbonisation plan hasn't been specifically considered in the greenhouse gas assessment presented in our EAS.

51:02

The key impact on the scheme resulting from the transport decarbonisation plan relates to potential reduction in emissions from road users consistent with assumptions made in that document. But they have not so far been taken into account in our climate change assessment, which doesn't assume those reductions in the same way. And perhaps I can ask Mr. Mr. Davies, just to expand on the approach as far as the climate assessment is concerned.

51:33

Thank you very much. Ian Davies on behalf of highways England. So yeah, I mean, within our climate assessment, the road user emissions presented in that assessment have been calculated using the dmrb calculator, which is based on the difference emissions factor toolkit.

51:55

And that's using the outputs from the modeling for the scheme. But as has been mentioned, when this assessment was undertaken, clearly the transportation decarbonisation plan had not been published at that point. So the impacts of the uptake of zero and electric carbon and electric vehicles had not been taken into account. So certainly, we will anticipate there being an impact there on road user emissions. And we would anticipate that they will align going forward in line with the forecasts that are presented in the transport, the carbonization plan,

52:34

the app can also recognize their their need and their role in playing in facilitating the implementation of the transport decolonization plan and in fact, publish their own netzero plan

52:47

earlier in the year as well, and in their sets out their commitments on helping government to achieve its net zero goals and targets set in the plan, particularly around

52:59

their commitment to publish a blueprint for electric vehicle charging services by 2023. And also proposing an approach on looking into zero carbon HTV trials by the end of 2022 as well.

53:14

So I guess so the question really is then does the applicant intend to revise any of the existing submissions or make any new ones as a response to this? And if so, when that might be,

53:29

do not anticipate that there will be any changes to the climate assessment as a result of the transport decarbonisation plan. Okay.

53:41

Can I will just it, do any local authorities wish to comment on this at all?

53:48

If you do, then if you could put your hand up, so it'd be helpful.

53:52

Not by the looks of it. Okay. Are there any other parties here who wish to speak on this particular item?

54:02

Okay.

54:10

I'm assuming there are no further comments from the applicant before we move on.

54:14

At this stage, now, okay, so we're going to just looking at time, because there's interesting question for it, pretty much we've will skip over the revised nppf national policy planning framework, unless there is any burning issue from anybody for any of the local authorities who wish to put their hand up on this one.

54:40

No, okay. Thank you. So if we could turn to the D trunking. proposals, and this is this is trying to remember to keep it at high level police. The proposal and so if I could invite this officer got the applicant before us and if I could invite the effected highway

55:00

authorities to turn the cameras on that would be useful.

55:05

Thank you.

55:08

So the proposal incorporates the de trunking of the existing a four to eight. Can the applicant briefly explain why the existing a four to eight needs to be the trunks and forms part of the the draft development, consent order and proposed development. And I should stress we don't need to go through each drawing by drawing in the de trunking plans, just a high level overview will suffice at this stage please. Thank you, sir. Again, I'll introduce the topic and asked Mr. Doherty to explain further

55:39

and shorts are on completion of the scheme, the existing 48 will not carry strategic traffic,

55:47

and will not therefore be required for or we say form part of the strategic route network.

55:55

As far as the approach taken and the order is concerned,

55:59

the powers to the trunking as as identified within the draft DSU on the basis that there is a power to do this generally, within section 10 of the highways act 1980. But it's better placed within the draft DSU that all parties are aware of what elements need to be trumped with that reflects the ethos of the de su regime and providing a one stop shop for

56:27

concerns or other orders required for for an answer.

56:32

And we said there's no reason why it shouldn't be done in this case has been done in others. There's, there's power to there's power to do it. That's the general position. Perhaps I can ask Mr. Doherty to see if he's got anything more to add to that.

56:49

If no, sir Ted Daugherty representing the applicant, I think the only other key point I would add is that we have had discussions with both directly affected local authorities regarding the proposed de trunking. And believe we have an agreement in principle for the D trunking proposals subject to agreement of a satisfactory handover process and condition of the assets handover.

57:19

Interesting enough, we have actually also discussed the proposed road numbering for the D transexuals.

57:27

And that's included within the application. So the intention is that the section between

57:33

the existing St neets roundabout and the Cambridge road junction will be the a one four to a principal or principal route. But beyond that, between

57:44

cables road junction and Caxton GB junction, it will be the be one four to eight or

57:50

a local road standard. And again, that's as I said, that's been agreed with

57:55

the respective parties.

57:57

Okay, and so this is a standard from what you're saying is it is a it's a data threshold thing. So with the movement of the vehicles on to the new scheme, can you for the benefit of all of us in the room? Where's that actually explained in the in the application?

58:19

I don't. So Ted Daugherty representing the applicant, I don't believe that we have actually specified that threshold on I don't believe that there is a specific threshold with regard to

58:32

D trunking. or whenever OAD is classed as D trunk. It's the principle is it is a strategic it will not be a strategic road, it will not carry strategic traffic between A and B, it will

58:45

be formed part of the local road network. And in some respects, I would suggest that the local authorities would prefer to have control over those local roads going forward. So we think this information about de trunking also forms part of the deadline one response so we can provide further information as far as fluidra concern if that would assist. Yes, it would. Okay, thank you. Okay. I will bring in the local highway authorities. I think so should we do that through Mr. Toole first.

59:19

Thank you, Francis Terrell, on behalf of Kenosha County Council.

59:23

In this respect,

59:25

I think just on these the points that have been raised the the local Transport Authority doesn't have an issue with the principle of de trunking roads which are no longer considered to be strategic or considered to be part of the highways England network. The obviously each each road will need to be considered on its merits and we don't have any concern with the overall principle. We do have some concerns in relation to the standards of those roads when they are de trunked and the local Transport Authority is very strongly of the view that no road should be de trunked. Unless and until the local transit

1:00:00

authority level higher authority is content with the standard of that road. I can either understand about that from the from the information that's been provided, it's really as to whether or not it's necessary to D trunk, the existing a four to eight on completion of the, the posting.

1:00:20

So I think as I said the things in terms of principle,

1:00:24

we don't have a concern as to whether it's necessary, I suspect that's more of a matter for the highways England to make the case as to why it's necessary. We I don't think we have any case to say it isn't necessary.

1:00:37

The just, I think there was an ancillary point that I was just coming on to in terms of the the standards of the road, the operation, as Mr. Lane has said of, of the de trunking will take effect under the terms of the order itself.

1:00:50

And just, we don't equally have a concern with that, per se, I'm happy with the notion of a one stop shop for the development consent order. The concern we do have is that that again should not operate as a matter of automatically or purely on the say so highways England, and that the trunk road should not be considered to be de trunked unless and until the local Highway Authority has content with a standard of that road. So that's in terms of our view on necessary that's what's necessary. Understand. Okay, thank you. Does anyone, anyone else from the highway authorities present wish to wish to come in?

1:01:33

McClay yard, so you've got your hand up.

1:01:36

Thank you. Yes. Thank you, sir. Melanie McLeod Bedford Borough Council, just to confirm that Bedford borough Council's view is that we were happy for the D trunking. To Go ahead.

1:01:50

And would echo the points that Mr. Turtle made about standards and everything. But in terms of the principle and the way things have happened thus far. Bedford Bora is happy with the process. Okay, thank you.

1:02:07

Okay, anything else from the applicant on on this item? Before we move to? Probably a very nice Scott liners for the applicant? Sir, no, other than to confirm perhaps the

1:02:21

the obvious point that under its licensed highways agents, how is England data is with the strategic road network. So once the traffic ball falls below the strategic level,

1:02:33

then the trunking should really be taking place. And that's the motivation for including within the order. But beyond that,

1:02:41

we acknowledge the points that have been raised by the consoles, but we can deal with those in discussions with the cons. We don't need to mention anything further about that night.

1:02:51

Okay, thank you very much. So, seems so high.

1:02:59

Yeah.

1:03:01

Thank you. Yeah, just just I think that was interesting discussion, and we'd welcome the further information that the applicant offered on D trunking. The principle of D trunking. into the examination by deadline one,

1:03:20

which kind of further elaborate on the point about

1:03:24

the strategic what classifies the thresholds that Mr. striven earlier alluded to what classifies as strategic transport traffic.

1:03:34

And what does it

1:03:39

Scot liners for the applicant? Yes, I was I understood that there aren't any specific thresholds Mr. Darnell refer to, but we'll explain the overall approach in the deadline one material because it's a it's a question that's been posed. Anything else? No, that's not that's Yeah, that would be very helpful.

1:03:57

Okay.

1:03:59

Mr. Scriven, are you happy to close this agenda item down? Yes. Fine. Thank you.

1:04:05

Okay, good. We will bring have a take a short break. The time is now three or 4pm. We'll take a short break. We'll resume at 3:20. Exactly. If you do decide to leave the meeting during the break, then you can rejoin using the same link provided in your invitation email. And if you're watching the live stream live stream then please refresh your browser to resume each subsequent session.

1:04:32

Yes, and I think Yeah, so we'll see you at 3:20pm Exactly. Thank you.