

Preliminary Meeting Note

Preliminary Meeting Part 1

Application: A428 Black Cat to Caxton Gibbet Road Improvement scheme

Reference: TR010044

Time and date: 10 am on Tuesday 10 August 2021

Venue: Virtual meeting online (Microsoft Teams, livestream and recording)

This meeting note is not a full transcript of the Preliminary Meeting. It is a summary of the key points discussed. Full digital recordings of the Meeting are available on the project page of the Planning Inspectorate's National Infrastructure website (NI website), which can be found using the link below.

Preliminary Meeting Part 1 and Part 2:

<https://infrastructure.planninginspectorate.gov.uk/projects/eastern/a428-black-cat-to-caxton-gibbet-road-improvement-scheme/?ipcsection=docs&stage=3&filter1=Recording+of+preliminary+meeting>

Welcome and Introduction (0:0:45- 0:18:35)

Menaka Sahai (MSa), welcomed those present and introduced herself as the lead member of the Panel of Examining Inspectors, the Examining Authority (ExA), and Matthew Scriven (MSc), Andrew Parkin (AP) as panel members to examine the A428 Black Cat to Caxton Gibbet Road Improvement scheme application.

MSa, MSc and AP explained the appointment was made by delegation from the Secretary of State (SoS) for the Ministry of Housing, Communities and Local Government on 19 May 2021.

MSa explained that the ExA would be examining the application made by Highways England (the Applicant) before making a recommendation to the Secretary of State for the Department of Transport (SoS) who will decide whether an Order granting Development Consent for the proposed development, which is a Nationally Significant Infrastructure Project (NSIP), should be made.

MSa explained the purpose of the Preliminary Meeting (PM) and noted that the Examination will commence after the PM closes.

The ExA confirmed that all documents and submissions received and accepted during the

Examination will be published on the [project page of the NI website](#).

The ExA explained the Planning Inspectorate's duties under the General Data Protection Regulations (GDPR).

Further information relating to the GDPR can be found in the Planning Inspectorate's [Privacy Note](#).

Remarks about the Examination process (0:18:26- 0:27:24)

MSa explained the overarching matters in relation to the Examination process. COVID 19 has meant it has started virtually. The ExA is following Government guidance and the Planning Inspectorate guidance and wish to remain flexible, as there may be the option to hold in person events in the future. The ExA will be transparent and will allow lead up time before events. The ExA has already agreed to do an Accompanied Site Inspection (ASI).

Mr Chris Poultney (CP) on behalf of Cambridgeshire County Council (CCC), informed the ExA that Cambridgeshire County Council was comfortable with the virtual approach.

MSa briefly explained the process for examining applications for NSIPs under the Planning Act 2008 (PA2008). This NSIP meets the threshold for sections 14.1(h) and 22(1) of the PA2008 and the National Networks National Policy Statement (NPS NN). MSa referred to the more detailed information set out at Annex B to the [Rule 6 letter](#) and encouraged all participants to read it. MSa also mentioned the diversion of a high-pressure pipeline which could be an NSIP under section 14.1(f) of PA2008 and may be applicable, in which case the NPS Energy suite would apply.

Beside the PA2008 MSa explained that the Examination Rules govern some aspects of the process, so would be referring to the Rule 6, Rule 13 (notification of hearings) and Rule 17 (requests for further information). The Infrastructure Planning (Examination Procedure) Rules 2010 are available on the [legislation.gov](#) website.

MSa emphasised how this is an inquisitorial and predominantly written process, to test evidence put forward before being submitted to the SoS. Hearings should build on written submissions. Further information can be found in [Advice Note 8.4](#).

MSa, confirmed the Church Commissioners of England as an Interested Party (IP) in light of the [S56 notice](#) provided by the Applicant. MSa confirmed East West Rail Company Limited (EWR) as an 'Other Person'. MSa outlined that they were not an Interested Party (IP) because their submission was received after the close of the Relevant Representation period and they did not meet any of the criteria in sections 102A and 102B of the PA2008. However, there is provision in the Examination Rules for the ExA to allow 'Other Person' to participate in the Examination. MSa confirmed East Cambridgeshire Council and North Hertfordshire Council have withdrawn from participating in the Examination.

Initial Assessment of Principal Issues (0:27:25- 0:35:35)

AP referred to Annex C of the [Rule 6](#) letter for this item.

AP clarified that the main subject headings are in alphabetical order because there is no hierarchy. Through the Examination some issues may be resolved, or some brought more sharply into focus. The ExA may remove from, or add to, the principal issues list.

AP explained that the PM allowed the opportunity for suggestions of principal issues to be made if it was thought ones have been missed, or to comment on those already identified. However, it would not be an opportunity to discuss the merits or otherwise of the proposal, as this will fall within the Examination which begins once PM has closed.

CP on behalf of CCC, required clarification if borrow pits would be considered in the Examination. AP confirmed the borrow pits was a principal issue and covered in the Written Questions (WQ1).

AP noted the Environment Agency were not present to comment within the PM even though they expressed an interest to speak within item 3, regarding flooding and drainage, protecting main river navigation and ground water. AP confirmed these would be covered within principal issues.

Mr Bassford, DLA Piper on behalf of EWR, raised the topic of interfaces with other projects to ensure it was registered within a principal issue, acknowledging that the ExA have this matter in mind from the advance WQ1 provided on 21 July 2021. MSa stated this has been considered and will be covered in WQ1 and ISH1.

AP stated that any comments regarding the Initial Assessment of Principal Issues (IAPI) should be in writing and submitted at Procedural Deadline B, on Monday 16 August 2021.

Draft Examination Timetable (0:35:36- 1:24:44)

MSc referred to Annex D, E and F of the [Rule 6](#) letter for this item.

MSc highlighted that if submissions were late, the ExA have the right not to accept any late submissions into the Examination.

MSc clarified that within the [Rule 6](#), references to Rule 3 and Rule 10 were incorrect and would be corrected in the Rule 8 letter.

MSc requested that for parties providing ASI locations to also provide annotated maps showing sites, by Procedural Deadline B.

MSc highlighted if round 2 and 3 of the Written Questions were required these would be issued on the 15 October 2021 for round 2 and the 22 December 2021 for round 3.

Mr Tyrrell (FT) on behalf of CCC made the ExA aware that his points had been submitted

in a written format. FT used the [A47 North Tuddenham to Easton timetable](#) as an example to demonstrate the timings which the councils feel would be more beneficial. Regarding the alteration of Deadlines, FT addressed Deadline 1, Deadline 3 and Deadline 5 in early January 2022. FT proposed an extension to the 14th September, as Deadline 1 will likely be resource intensive for the Local Authorities (LA). In addition, this extra time would allow LAs to digest more of the Applicant's information within the Local Impact Reports (LIR). The Applicant's Deadline would have to remain as the 31st August to allow the fullest of benefit to the LAs.

MSc outlined the amount of warning that LAs had been given, since mid-February, of their likely input to the process, including the need for LIRs. MSa, reminded FT that while an LIR has significance in an NSIP Examination, there are other means for the LAs to make representation about their positions on different aspects of the Application.

Regarding Deadline 3, FT considered that extending this Deadline by a week would not impact on Deadline 5. Regarding 3rd Written Questions, FT explained that as the Deadline falls just after the Christmas break, an extension would be appreciated.

MSc requested information from CCC on the office shut down times over Christmas and New Year, to be provided by Procedural Deadline B.

Mr Lyness (SL), representing the Applicant expressed concerns over any possible Deadline 1 extension to the 14th September. SL said that if there were to be an extension to Deadline 1 it should not be any longer than a week. SL supported FT point of extending Deadline 3. Regarding the extension from FT about extending the 11th January 2022 to the 14th January 2022, SL suggested this be further extended to the 18th January 2022. SL is aware that the 18th January would align with Deadline 7 but wouldn't put undue pressure on Deadline 8/ end of Examination. The fallback suggestion from SL is the 14th January, regarding Deadline 6.

MSc highlighted [Advice note one](#) and that Deadline 2 is available for responses regarding the LIR.

MSa clarified to the Applicant, documents would be published 48 hours after the respective Deadline, not 24 hours.

SL expressed to the ExA how close Deadline 2, Deadline 5 and Deadline 8 were to hearings and that significant work from the Applicant's side maybe required.

SL informed the ExA regarding notification, a two-week lead up time on top of the statutory 21 days would be required. SL mentioned the appreciation behind the ExA publishing the ISH agenda already and going forward an agenda being available a week prior to hearings would be appreciated.

MSc provided an overview about any change requests, more information is available within [Advice Note 16](#).

Any other matters (1:24:45-1:29:00)

SL provided an overview and dates for the proposed ASI. The Applicant feels 2 days are required.

MSa, reiterated that the Rule 8 would be published after the close of the PM and would notify everyone about hearings and site visits.

MSa, thanked everyone for their attendance and engagement and adjourned the PM (PM part 1) at 11:31 am on the 10th August 20

Preliminary Meeting Note

Preliminary Meeting Part 2

Application: A428 Black Cat to Caxton Gibbet Road Improvement scheme

Reference: TR010044

Time and date: 10 am on Tuesday 10 August 2021

Venue: Virtual meeting online (Microsoft Teams, livestream and recording)

Welcome introductions (0:0:40- 0:8:45)

MSa, welcomed those present and provided an overview of housekeeping matters. Further information relating to the GDPR can be found in the Planning Inspectorate's [Privacy Note](#).

Remarks about written submissions received at Procedural Deadline B (0:8:46- 0:11:55)

AP explained the ExA has received a few submissions at Procedural Deadline B, which was Monday 16 August, 2021 and those submissions have now been published on the [project page of the NI website](#). AP responded to two matters raised from the written submissions made at Procedural Deadline B and feedback from the virtual PM Part 1.

First, whether the Applicant intended to submit specific, albeit non-defined information to the Examination prior to detailed design and if so, when this might be. AP highlighted this matter was covered in the [WQ1](#). AP encouraged parties to engage with the WQ process and raise it as part of their written evidence to the Examination.

Second, there was request for clarification regarding 'deferred' items from Statements of Common Ground and the timeliness of specific engagement between the Applicant and IPs on matters relating to Statements of Common Ground. AP highlighted, various Deadlines in the timetable to allow for the submission of updated Statements of Common Ground beyond Deadline 1.

Third, AP raised a matter that the ExA wanted to clarify and confirmed that borrow pits are being considered as a principal issue. While it is not included in the IAPI in the [Rule 6 letter](#), it has been covered in [WQ1](#). The ExAs strategy is to examine the matter as part Construction Methods and Effects alongside other related matters such as: approach to construction, construction programme, construction compounds, waste managements and the Environmental management plan. The IAPI will not be updated, but the ExA will note this specific point regarding the approach to the examination of borrow pits as part of the examination of wider Construction Methods and Effects, in the Rule 8 letter.



Representations on matters that could not be raised at Preliminary Meeting Part 1 (0:12:00- 0:15:24)

MSc gave an overview of the timetable changes and informed everyone that further information would be available within the Rule 8 letter. MSc highlighted three matters:

First, MSc confirmed the creation of a new deadline in the timetable, Deadline 2, for the submission of LIRs from LAs. MSc explained this decision had been taken to balance the views expressed by the LAs and the Applicant, and taking account the lead in time needed by the ExA to prepare for subsequent publications. The new deadline for LIR will be Wednesday 8 September 2021. This new submission deadline supersedes the Procedural Decision of 2nd July regarding LIR previously being requested as part of Deadline 1 for the 31st August 2021. MSc confirmed the ExA would not accept any updates or supplements to the LIRs during the Examination. All other documentation requested for submission at Deadline 1, on the 31st August 2021, remains as presented in the draft Timetable.

Second, MSC explained that the evening Open Floor Hearing on the 19th August 2021 had been cancelled and thanked those who had agreed to attend the morning session instead.

Third, MSc confirmed the Hearings and ASI that are due to be held in September and the Rule 8 letter would provide a high-level agenda.

- The ASI will be held on Tuesday 21 September starting at 8:00 am at a location near Black Cat Junction.
- The Compulsory Acquisition Hearing (CAH) will be held on Wednesday 22 September 2021 starting at 1 pm.
- The Issue Specific Hearing 2 (ISH2) which intends to cover highway matters and the draft Development Consent Order will be held on Thursday 23 September 2021. The starting time will be 10 am.
- ISH 3 which intends to cover social, economic and environmental matters and the draft Development Consent Order will be held on Friday 24 September 2021. Starting time will be 10 am.

Any other Matters (0:15:30- 0:15:50)

No further matters were raised.

Closing (0:15:51- 0:16:26)

MSa thanked those who had taken part in the PM and to those who have made written submissions at Procedural Deadlines A and B.

MSc explained, once the PM had closed, the Examination of the application and the testing of the evidence would start. The Rule 8 letter will include (amongst other things) the Examination timetable.

The PM (PM part 2) was closed at 10:15 am on the 18th August 2021.