

VolkerFitzpatrick Preliminary Meeting 16 May 2023 PT1

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FULL TRANSCRIPT (with timecode)

00:00:03:06 - 00:00:32:16

It's now 10:00 in time for this meeting to begin. Welcome to this preliminary meeting which is being held to consider procedural arrangements. The examination of an application made by National Highways for an order for development consent for the M3 Junction nine Improvement Project. Now, before I go further, could I just hear the check that everyone can hear me clearly?

00:00:34:24 - 00:00:43:00

And can also confirm with the case team manager Mrs. Norris that the live streaming and recording of this event has begun.

00:00:44:16 - 00:01:06:18

Thank you. The. My name is Wendy McCarthy. I'm a bachelor of law and non-practicing solicitor, and I've been appointed by the secretary of state to be the lead member of the panel. That is to examine this application. I'm now going to ask the other panel member to introduce himself to you.

00:01:08:07 - 00:01:18:19

Good morning. My name is Matthew Simms. I'm a chartered civil engineer and I've also been appointed by the secretary of state to be a member of the panel to examine the application.

00:01:19:17 - 00:01:53:09

Thank you, Mr. Sims. Now, together, we constitute the examining authority. And we've been appointed to examine, report, and make a recommendation on this application to the Secretary of State for Transport. Now, the initial examination proposals were sent out in the Rule six letter dated 18th of April 2023, inviting you to this meeting. We will be following the agenda and referring to the other annexes attached to that letter.

00:01:54:04 - 00:02:33:11

This meeting provides you with an opportunity to influence the way in which the examination will proceed. Before we go further, I'll just explain a few housekeeping matters for the benefit of those who are physically present in the room. Can I ask you either to please switch off or set to silent all devices and phones during the meeting so that participants are not disrupted or interrupted by them when they are speaking? The toilets are down the stairs that are opposite the reception area.

00:02:34:18 - 00:03:01:06

There is no fire alarm testing scheduled for today. So if the fire alarm does go off, it is the real thing. And you must leave the building by the nearest clear exit. The assembly point is the front car park. A short mid-morning break will be taken around 1130, and a lunchtime break will be taken around 1:00. If we're not concluded by that time.

00:03:06:11 - 00:03:56:17

Now aim to keep the proceedings as focused and efficient as possible. To assist this, we issued Annex B to our Rule six letter which invited you to this meeting. That annex sets out an introduction to the preliminary meeting process. We trust that you have all read this in advance, as I will only be providing a summary now. We will find information about this application on the Planning Inspectorate's National Infrastructure Planning website and we would strongly encourage you to make

your yourself familiar with this website because the examining authority will be using it to communicate with you and to provide access to documents throughout the examination.

00:03:58:06 - 00:04:17:23

Today's meeting is being conducted in a hybrid way, meaning some of you are present with us at the hearing venue and some of you are joining us virtually on Microsoft teams. We'll make sure that whichever way you attend today, you will be given an opportunity to participate in a fair way.

00:04:19:11 - 00:04:50:23

A recording of today's meeting will be available on the M3 Junction nine Improvements section of the National Infrastructure Planning website as soon as practicable after the meeting is finished. Please ensure that you speak clearly into a microphone stating your name and who you are representing each time before you speak, so that it makes it easier for people to follow the recording of the meeting after the event.

00:04:52:07 - 00:05:15:22

Now to switch on the microphone. You just press the button at the bottom. It's switched on when the red light is showing. Press the same switch to turn it off when you have finished speaking. If you are not at a table with a microphone, then there is the roving microphone that can be brought to you. So please wait for that before you start to speak.

00:05:17:16 - 00:05:42:20

A link to the planning. Inspectorate's Privacy Notice was provided in our Rule six letter. We assume that everybody here today has made themselves familiar with this document which establishes how the personal data are customers are handled in accordance with data protection laws. Please speak to the case team manager, Mrs. Norris, if you have any questions about this.

00:05:44:08 - 00:06:25:24

This meeting will follow the agenda as set out in Annex A of the Rule six letter. It would be helpful if you had a copy of this in front of you. Now, I'll just explain briefly the purpose of the preliminary meeting. The purpose of this meeting is to assist the examining authority in determining how the application should be examined. On that basis, we will only be inviting discussion about the procedural aspects of the examination, considering such matters as the hearings which need to be held and the overall timetable for events and written submissions.

00:06:26:20 - 00:06:47:21

We will not be discussing either the merits or other concerns that you may have regarding this application. The merits or concerns can only be considered once the examination of the application begins, which will be the day after the close of this preliminary meeting.

00:06:49:14 - 00:07:03:18

Our number of interested parties of notified us in advance of the meeting that they wish to speak. I'll now ask the people who wish to participate in today's meeting to introduce themselves in turn.

00:07:05:04 - 00:07:45:13

When I state your organization's name. Could you introduce yourself stating your name, who you represent, and which agenda item you wish to speak on? If you are not representing an organization, please confirm your name. Summarize your interest in the application and confirm the agenda item on which you wish to speak. And please, could everybody also state how you wish to be addressed? So could I start with the applicant and their representatives? Who's representing the applicant today, please?

00:07:48:24 - 00:08:14:18

Good morning, ma'am. Sir. I'm Katherine Tracy, a director at Burgess Salmon. We're the legal advisors for the Applicant National Highways. I've got with me two colleagues to my left who aren't intending to speak today, and Mr. Tom Beesley, who's the senior project manager at National Highways for the project. Again, not intending to speak today. We'll be speaking to all the agenda items so far as it can assist you.

00:08:16:06 - 00:08:20:00

Thank you. And sorry. Sorry. How would you wish to be addressed?

00:08:21:10 - 00:08:22:00

Mrs. Tracy?

00:08:22:02 - 00:08:22:25

Mrs. Tracy.

00:08:29:15 - 00:08:57:14

Right now. I'm now moving on to the local authorities that have given notice of their intention to speak at this meeting. There is only one local authority, although others are present. Only one as yet has stated an intention to speak. If I'm correct, that's the South Downs National Park Authority, and they are attending virtually. So if I could check with them on Microsoft teams.

00:08:59:25 - 00:09:13:13

Thank you. Thank you, ma'am. My name is Kelly Porter, and it's Ms.. Porter. Um, and it's agenda item for. We're not intending necessarily to speak. We're just here to answer any questions you may have on the submission we made. Thank you.

00:09:15:17 - 00:09:34:12

Thank you. And I know that Winchester City Council and Hampshire County Council are also present but not intending to speak. Is that is that correct? Perhaps they could indicate. I may well have questions for you, particularly when we get to the the hearings point.

00:09:37:29 - 00:09:51:12

And now I'll move on to the individuals that have given notice of their intention to speak at this event. I do first have Denise. Elizabeth Ross Well, I hope I've pronouncing that correctly.

00:09:54:11 - 00:10:32:21

Hello? Yeah, my name is Denise. It's Rosewell. Well, I'm happy to be addressed as either Denise or Mrs. Rosewell. Um, I'm a resident on Eastern Lane. Um, which borders the. The the red line. Um, and, um, so we are eastern side of the junction, so I live very close to the works. Um, and I'm representing ourselves as individuals, my family, um, but also our neighbors also on Eastern Lane.

00:10:32:29 - 00:10:41:06

Um, and there are several properties along Long Walk and all of those properties bordered the red line.

00:10:43:09 - 00:10:49:25

Thank you. And Christopher Gillam, convener Winchester, Friends of the Earth.

00:10:50:18 - 00:10:59:03

Thank you, ma'am. Yes. Christopher Gillam, convener Winchester, Friends of the Earth. I'm I'm not entirely sure.

00:11:00:19 - 00:11:14:06

Whether I'm speaking on issues today or tomorrow, I only really want to speak about the contents of the issues and seem to be on the agenda for this tomorrow. So I don't really know whether I'm speaking to this today or not.

00:11:14:09 - 00:11:41:14

Yes, for issues, tomorrow is your best opportunity for that. So I can confirm that today we're just really dealing with timetabling issues when we have hearings, when written submissions should be made. So it's very much more a procedural meeting, But tomorrow it's the open floor hearing and you're able to outline what your concerns are. Thank you.

00:11:46:01 - 00:11:51:00

And Phil Garg, chair of Transport and Planning Action.

00:11:53:03 - 00:12:11:23

Thank you, ma'am. I'm I'm actually from Winchester Action on Climate Change, which is an organisation that is concerned about global heating and how we can take action locally to reduce the rate of global heating. Um,

00:12:13:08 - 00:13:02:04

perhaps I'm a bit like Mr. Gillam, although item three does say the initial assessment of principal issues. My main concern is to speak about the issues, but I feel there is an intersection between tomorrow's discussion and today's discussion, and I'll take your guidance one. Um, about whether we set aside sufficient time to take a talk about some of the issues we care most, and I'm not too sure and I'm very happy to be guided on this, whether it would be worth just putting up a marker for the issues we consider to be important just to ensure that there is sufficient time at future meetings to talk about them.

00:13:02:28 - 00:13:36:20

No, thank you. That's very clearly put. And we've also read what you've had to say, and we understand the concerns that you've outlined so far. Um, my colleague, Mr. Sims, will be dealing with the principal issues. You'll have read them. You'll have seen them. And we've, we've seen some of your comments on those. It may be that you want to add a point there, but the principal, um, opportunity feel for what you do have to say is again tomorrow.

00:13:44:04 - 00:14:03:04

Now do have a Rupert pit down. This was, um, a late acceptance for attendance. I have him down as May or may not speak. I don't know if Mr. Pitt is present and if he wants to indicate if he does want to speak today on these procedural matters.

00:14:06:17 - 00:14:08:12

Thank you. Thank you, Mr. Pitt.

00:14:18:21 - 00:14:38:20

I do have other people listed as attending but not speaking. So can I just ask if there is anyone else in the room who wishes to speak today? And again, if if you do, if you could introduce yourself and let us know the agenda item you wish to speak to, is there anyone else at the back of the room.

00:14:38:22 - 00:14:41:01

That wishes to speak?

00:14:44:21 - 00:14:46:15

Now. I don't see any hands up.

00:14:48:29 - 00:14:49:16

And again.

00:14:51:27 - 00:14:53:25

Virtual attendees.

00:14:55:13 - 00:15:10:19

Think we know of everyone who is attending virtually don't believe anyone else wishes to speak. But if could just ask any virtual attendees if there is anyone that does wish to speak that hasn't been mentioned, if you'd put your hand up now.

00:15:18:27 - 00:15:40:05

Right. Thank you, everyone. If anyone else decides that they wish to speak in the course of this morning's proceedings, you may do so. But if you could please raise your hand, either physically or usually using the function of Microsoft teams. Are there any comments at this stage before we move on to the next agenda item?

00:15:43:23 - 00:16:20:09

Right Agenda Item two. This is the Examining Authority's remarks about the examination process. Now, in order to streamline the running of this event in Annex B of our Rule six letter, we provided an introduction to the preliminary meeting and the examination process explaining how the meeting will be conducted and how you can participate both in that and in the examination. For expediency, I'm assuming that everyone has read Annex B and I don't therefore propose to spend any time repeating what is said.

00:16:20:22 - 00:16:57:11

However, it is important that you are clear in your understanding of the examination process. Therefore, if there is anything that you are unclear about or on which you need clarity, then this is an opportunity to ask. And given the information that we've already provided in Annex XB. Does anyone have any questions at this stage about the examination process itself? I'd point out if there's any specific questions regarding the examination timetable, then that will be taken under agenda item four.

00:16:57:29 - 00:17:00:03

Any questions about the process?

00:17:00:27 - 00:17:28:21

Yes. Christopher Golden Winchester, Friends of the Earth. I understand the sort of inquisitorial process as distinct from the old cross-examination process of inquiries. What I don't understand is to what extent, if evidence is given by one side. The way in which people on the other side can put questions. Do we put questions through you that go back to them?

00:17:29:15 - 00:18:11:15

That's the main source. I think you'll have seen the information in Annex B that it's principally the examination examining authority that is directing the questions. There are circumstances and they're outlined both in the Planning Act and in the guidance to explain situations in which cross examination in the old way of the inquiry system would be appropriate. And if that's considered that that might be necessary, then we would expect people to put a case for that for us to consider against the tests for that.

00:18:11:17 - 00:18:31:10

But generally it operates in that sort of way. So there is an opportunity to respond to comments made, but it's generally made through the examining authority. But you do have an opportunity to reply to questions and points and expert evidence that's made.

00:18:31:15 - 00:18:37:03

But is it is it a single one off reply mean? If if.

00:18:37:18 - 00:19:15:14

No, no. I mean hopefully all will be complete as and when we get into the hearing. I mean tomorrow is the open floor hearing which is slightly different, which is you put in your case and generally the applicant makes a final response, um, towards the at the end or in writing. And there are also always opportunities to provide written material in further support through the examination process at the deadlines outlined in the timetable.

00:19:15:27 - 00:19:17:17

Yeah, I understand. Thank you.

00:19:21:13 - 00:19:23:25

Any other questions from anyone else?

00:19:26:25 - 00:19:35:06

Right. In that case, we turn to item three on the agenda and ask my colleague, Mr. Sims, to deal with this.

00:19:37:17 - 00:20:15:13

Thank you, Miss McKay. Um, so similarly to the previous agenda item in Annex C of the rule six letter details were provided of our initial assessment of the principal issues which we will be considering during the examination. We're again proceeding on the assumption that everybody has read this. Um, I'd just like to reiterate that the issues listed in Annex C are not intended to be comprehensive, definitive or exhaustive. However, they do take account of responses in the relevant representations as well as our own assessments from the details submitted in the application.

00:20:17:01 - 00:21:05:26

The examiners authority has paid careful attention to the submissions made at procedural deadline about its initial assessment of the principal issues, and the various points made have been noted. In the light of the comments made, we would stress that the assessment represents a snapshot in time and provides a non-exclusive list of issues identified at the start of the pre examination period. We recognise that additional, important and relevant issues will likely continue to emerge during the examination and the scope of the examination will not therefore be constrained to those initial assessment of principal issues which we've highlighted and all important and relevant issues will be examined.

00:21:06:06 - 00:21:46:02

So for these reasons, the Examiner authority does not propose to amend or republish the initial assessments, nor do we propose to go through the items in detail this morning at this meeting as they're clearly laid out in the letter. Okay. So on the basis of the information in Annex C and what I've just explained. Are there any further questions about our assessment of the principal issues, bearing in mind that this meeting is about the procedure and not a time to make representations or express views on those merits? So is there any any questions about the procedural aspects of Annex C?

00:21:47:09 - 00:21:50:00

Yes. Ms.. Rosewell. Yeah.

00:21:50:03 - 00:22:21:08

Had registered to speak on on this part of the agenda. And, you know, perhaps what I want to say, as you've just covered, as do understand that this isn't the full detail and is not an exhaustive list. But having read through it, I just wanted to be sure that the points that I and neighbours are concerned about really do get covered and so I saw this as an opportunity and am registered to attend tomorrow as well.

00:22:21:19 - 00:22:34:20

Um, so I have sort of three points on three separate points in that, in that list. Would it be a good time to mention those now or not?

00:22:34:22 - 00:22:55:05

I think unless they're procedural, I think tomorrow is probably the better time to do that because we will then be able to hear your your explanation in full. So today is really about the procedure and the process rather than the individual aspect. So I think as you're registered to speak tomorrow, I think tomorrow would be the best opportunity to do that if that's.

00:22:55:07 - 00:23:13:15

Yeah. Think it was one sort of there were some specifics that are mentioned. Um, and I just wasn't sure that it really went far enough. Okay. Almost geographically as in, you know, one particular address has been mentioned, but other addresses haven't.

00:23:13:17 - 00:23:46:27

So yeah, think I think I saw that as well. No. Read what you had to say on that. And just because there's only one address in there, then no other others are obviously going to be considered, though those were our initial assessment and there's obviously going to be a lot more material coming in. So it's really just, as we were saying, a snapshot in time. So mean concerns and issues will develop through the course of the examination.

00:23:47:05 - 00:23:47:29

So

00:23:49:14 - 00:23:52:16

what you do say will be considered. It won't be overlooked.

00:23:52:25 - 00:23:53:28

Okay. Thank you.

00:23:54:26 - 00:24:00:21

Okay. Thank you, sir. Any other questions on that aspect? Okay. Thank you. I'll hand back to Ms.. McCoy.

00:24:08:25 - 00:24:45:07

Thank you, Mr. Sims. Now, we'll now consider item four on the agenda, namely the draft examination timetable, and in accordance with Section 98 of the Planning Act 2008, as the examining authority, we have to complete the examination within six months, beginning with the day after the start date. We've set a detailed timetable in Annex Annex four sorry, of our Rule six letter, which shows what is required, when and of whom over the coming six months.

00:24:45:24 - 00:25:19:28

It's important that everyone reviews this to ensure that any requests of you are complied with within the deadline set. As has been stated, this examination is primarily in the form of written submissions. There's little flexibility in the timetable, hence the need to meet all deadlines set, which will of course

include us as examining authority. You'll see that there are reserve dates for a number of different types of hearings and accompanied site inspections.

00:25:20:01 - 00:25:34:10

The details of these will be finalised and all the interested parties will be duly notified of the arrangements. And we have already given notice in the Rule six letter of the open floor hearing which will be held tomorrow.

00:25:36:09 - 00:26:06:16

Now on the basis of the information detailed in will now consider comments about the proposed timetable we've set out for the examination of the application. I'll turn first to the timetabling of the different types of hearings that can take place and in particular the dates reserved for issue specific hearings during week commencing 31st July and 7th of August 2023. Now the applicants procedural deadline.

00:26:06:18 - 00:26:42:01

A submission points out the items 17 and 18 of the draft examination timetable. That is to say, the dates reserved for issue specific hearings fall within the school holidays and submits that this may impact representations from interested parties, local authorities and statutory bodies. The applicant suggests moving the dates reserved for issue specific hearings one week forward to week commencing 24th of July 2023.

00:26:42:20 - 00:27:38:19

The applicant also indicates that its landscape and visual impact team are currently unavailable between 31st of July and the 11th of August 2023, and would be grateful if the hearings relating to landscape and visual impacts is scheduled outside that period. If I can just comment from the examination examining Authority's considerations when that draft timetable was first put in place, we were aware of and did bear in mind any implications arising from the timetabling of the school holidays when preparing that draft timetable? We do, of course recognise the additional demands that this could place upon people with children of school age and indeed grandparents wishing to take part in the process.

00:27:39:09 - 00:28:13:01

However, the flexibility of the timetable is constrained to some extent by the fixed examination period and other statutory timetable timed timings for the receipt and consideration of documentation. The provisional issues specific hearing dates of week commencing 31st July and 11th of August reflect those factors and the need to allow time for the deadline three documentation to be fairly considered prior to those hearing dates.

00:28:13:03 - 00:28:49:24

So the best and most efficient use can be made of hearing time. We would also reiterate that representations made in writing carry equal weight to oral representations at all stages of the process, and that recordings of hearings and opportunities to comment will be made available after all events. Similarly, the availability or otherwise of a professional witness is not a matter which can take precedence over the demands of the examination and the efficient and fair timetabling of hearings within that process.

00:28:50:11 - 00:29:21:15

However, we recognise that whilst replacement representation could potentially be arranged, we believe there would be a benefit to the examination process. In hearing from those most familiar with the applicants landscape and visual impact case. And for that reason the examining authority could consider utilising, say, Thursday and or Friday, the 27th and 28th of July for the landscape and visual impact issues, specific hearing and possibly historic heritage.

00:29:21:17 - 00:29:39:27

So I'd like to turn to the applicant first and would your team be available for one or both of those dates? And secondly, have you considered or explored whether a suitable venue might be available?

00:29:43:09 - 00:29:59:27

Katherine Tracy for National Highways. Ma'am, we those dates would be suitable for our landscape and visual witness to be able to attend. We haven't yet looked at venues, but we can we can do that straight after this hearing.

00:30:05:21 - 00:30:32:14

So that would resolve your difficulty in that respect, right? If I could just ask other interested parties and question them and give them an opportunity to comment on whether holding the landscape and visual impact issues, specific hearing and possibly historic heritage on those dates of the 27th and 28th of July. Would that cause any specific difficulties to anyone else?

00:30:37:01 - 00:30:42:05

Kelly. Kelly Porter, you have your hand up. If I could hear from you.

00:30:44:04 - 00:30:54:21

Thank. Thank you, ma'am. I'm obviously these issues are going to the heart of the national park's concerns. I'm just to say, yeah, we could be available on the 27th and 28th.

00:30:57:00 - 00:30:59:23

That's really helpful. Thanks for commenting on that.

00:31:06:07 - 00:31:42:12

Right. If if there's no other comments on that, I'll just now look at other issues, specific hearings and the procedural deadline, a submission of Winchester City Council on those same items. The dates of the issue specific hearings indicate that they would wish to see a hearing dedicated to certain specific topics. Firstly, discussions on climate change and they expand on that air quality and discussions concerning impacts on communities outside the boundary of the application.

00:31:42:22 - 00:32:01:16

Um, and that's in relation to local traffic flow. So could I ask, I know you're not down speak, but could I ask Winchester City Council perhaps to explain further the reasons for those suggestions and indicate whether there are any other issues, specific hearings they would see?

00:32:03:01 - 00:32:07:15

I think we may need a roving microphone or unless you want to come to the table.

00:32:16:23 - 00:32:49:04

Yes. Thank you, ma'am. It's Robert Green from Winchester City Council. Yes. As you said there, just a request for a specific hearing on climate. The the last point there in terms of discussions concerning the impact on communities. But really, it's the the comments that we're getting from members of the public as well that we wanted to represent going beyond the red line boundary. So it is issues such as diversion routes and any knock on effects that that may have. Um, really any matters that go beyond the red line boundary which we've had put to us.

00:32:49:06 - 00:33:04:24

So we will cover it in detail in our local impact report as well. But we did want to add that note just to see if it could be if members, interested parties and ourselves could be given a chance just in a hearing to cover those more detail. But as I said, it will be covered in our local impact report as well.

00:33:06:00 - 00:33:20:21

That's very helpful. Thank you. Could ask, are there any? Comments from other IPS on the timetabling or otherwise in relation to issue specific hearings.

00:33:34:21 - 00:33:59:05

Are there any comments on the timetabling of other aspects of the examination, such as the proposed deadlines for submission of written representations or the deadlines for responses to the examining authority's written questions, that sort of thing? Any other comments that any interested parties wish to make on those timetabling aspects?

00:34:05:15 - 00:34:09:18

No, thank you. And no one on Microsoft teams? No.

00:34:13:06 - 00:34:39:15

Uh, Christopher Gillam. Winchester. Friends of the Earth. The six month deadline, if you like, on completion is the. Are there any circumstances? If there was some sort of force majeure, some high court decision or something that changed things fundamentally, just another no circumstances in which that date can be changed.

00:34:41:25 - 00:34:49:01

That is a statutory period. It's set out in the Planning Act.

00:34:50:05 - 00:35:02:00

I understand that. I'm. I'm just suggesting that there might be circumstances that the that occur in which something fundamental changes.

00:35:28:02 - 00:35:43:12

Adam wouldn't help it if I assisted on this. Julian Boswell. I'm a partner with Burgess Salmon. There are reserved circumstances where an examination can be extended, and the most classic example is COVID. A number of examinations were extended as a result of No thank.

00:35:43:14 - 00:35:44:12

You for for.

00:35:44:14 - 00:35:45:00

But other than.

00:35:45:02 - 00:36:02:26

That, there have been there have been exhausted or requests for extensions which haven't been haven't been given in even when almost everybody was asking for them on major, major applications. So the default position is, as you said, that the statutory regime very much expects examinations to end within six months.

00:36:04:26 - 00:36:05:11

Okay.

00:36:06:19 - 00:36:16:18

And the same applies to the reporting period. It can be extended, but it's very rare for that to be done.

00:36:18:10 - 00:36:22:23

Fact, I'm only aware of one which has been done. Yes, sir.

00:36:24:02 - 00:36:42:03

Phil Winchester Action on Climate Change. If that is the case, would it therefore be legitimate? Should there be major court cases that are relevant but not yet decided to refer to them in our discussions?

00:36:44:24 - 00:37:11:18

Or certainly refer to court cases. And obviously there may be court cases that come and go either during the examination period or during the reporting period. And that could, for example, if you did have one, whilst the secretary of state was considering the decision, there may be a reason for the Secretary of State then to consult further on that.

00:37:28:00 - 00:37:29:26

And of course, there is the.

00:37:31:23 - 00:37:33:24

Draft MPs and then.

00:37:33:27 - 00:37:35:06

In the process.

00:37:35:16 - 00:37:39:01

Which will arrive at some.

00:37:39:03 - 00:37:40:25

Point, we don't know when.

00:37:52:11 - 00:37:59:11

Right. Any other points on timetabling or examination procedure.

00:38:06:27 - 00:38:18:26

Right. Then the last substantive item on the agenda is item five, which relates to other procedural decisions that we have made. I'll ask my colleague, Mr. Sims to lead on this topic.

00:38:20:10 - 00:38:58:21

Thank you very much. Um, so the procedural decisions which we have made are listed in Annex F of the Rule six letter. These decisions may not apply to every interested party here, but we suggest that you familiarize yourselves with the decisions so that you can ensure, you know, if there's a request of you or information that you would find useful. So firstly, we'd just like to draw your attention to point two, which relates to suggested locations for the accompanied site visits that is proposed to be held during the week commencing the 10th of July 2023.

00:38:59:09 - 00:39:38:15

Just to note, please, that the deadline for this has now passed being procedural deadline A on the 2nd of May. But many thanks to those of you that have made suggestions for both accompanied and unaccompanied site inspection locations have been very, very useful. Thank you. Um. The applicant is requested to prepare a draft itinerary for the accompanying site inspections to be submitted by deadline one on the 6th of June 2023 and comments by interested parties on the applicant's draft itinerary should then be submitted by deadline two on the 15th of June.

00:39:38:17 - 00:40:11:05

So you'll have an opportunity to comment on the suggested itinerary. We shall consider carefully all suggested locations and comments, and the draft timetable provides for the publication of the Examining Authority's final itinerary for the accompanied site inspection by the on the 22nd of June 2023. Okay, So just turning to procedural decision one relating to the provisions for statements of

00:40:12:22 - 00:40:14:00

Mrs. Tracy, please.

00:40:14:19 - 00:40:24:13

Katherine Tracy for National Highways. Just before you move on from the site visit point, we have included within our response to the rule six letter a draft.

00:40:26:02 - 00:40:34:24

At the company site visit schedule. So that is already available if people would like to review and comment on that. Yeah.

00:40:35:06 - 00:41:18:08

Thank you, Mrs. Tracy. Yes, we have. We have seen that and along with other suggested locations which can be added to that, we'll obviously await your update on that. But thank you for pointing that out that people can see your your initial suggested site locations. Thank you. Um, any other comments or questions on the site locations for the company site visits before I move on? Okay. Thank you. So the statements are common grounds. You will see that item one of Annex F requests a number of initial statements of common grounds to be provided at deadline to and for those to be finalized by deadline eight.

00:41:18:19 - 00:41:58:16

I'd just like to say a few words about the panel's expectations in relation to those statements of common grounds, please. Um, I'd point out that a statement of common ground doesn't mean that we will not examine the agreed points further. The guidance explains that the duty of the examining authority is to ensure that all aspects of any given matter are explored thoroughly. The real value of a statement of common ground is generally in identifying points that are still actually an issue between parties or the uncommon ground and parties are requested to highlight those aspects through the examination.

00:41:59:15 - 00:42:34:16

A statement of common ground can also be used to answer the examining authority's questions where questions can be fully addressed by matters set out in within a statement of common ground. Then there's no need to repeat that information provided. The parties should note that it is an aim of the relevant cost guidance to ensure the statement of common grounds are prepared by all parties in a positive and constructive manner. So I'd just like to turn to some of the points raised by the applicant procedural deadline in relation to the statements of Common Ground.

00:42:35:09 - 00:43:06:22

The applicant notes that the examining authority request a submission of a statement of commonality for the statement of Common grounds at deadline one and an initial statement of common grounds at deadline two. UM. The applicant has already submitted a document named Progress with Statements of Common grounds within the application, and it's been proposed to continue to update that document as opposed to producing a new statement of commonality.

00:43:07:14 - 00:43:42:08

And the applicant has requested the examiner and authority to confirm that it accepts that proposal as the purpose of these documents is essentially the same. Um, so in response to that query, the examining authority can confirm that what we seek at deadline to are the initial statements of common

ground, whatever drafting stage they're at at that time. And we can also confirm that an updated progress with statements of common ground documents can be provided and would satisfy the same purpose as the statement of commonality.

00:43:42:10 - 00:43:58:05

So I hope that's clear and sorry for using the same word many times, but hopefully that clarifies the situation there. Do you have any further questions or does anybody have any further questions about statements of common ground? Yes. Mr. Gillam.

00:43:58:22 - 00:44:10:03

Yes. Christopher Gillam Winchester. Friends of the Earth. Um, I've just heard two statements, a statement of commonality in a statement of common ground. Can you explain the difference of those two?

00:44:10:15 - 00:44:19:14

Essentially, like I'll ask the applicant to, to confirm what they they believe is the difference between the two?

00:44:20:08 - 00:44:35:12

Mrs.. I think also if you look up the document reference for the one of the progress with statements of common ground that's in will be in the examination library that's given a reference as 165.

00:44:35:25 - 00:44:36:18

Um and that.

00:44:36:20 - 00:44:37:15

Will let.

00:44:37:17 - 00:44:44:04

You see um, what is meant by that. But I'll ask the applicant to explain further.

00:44:45:17 - 00:45:24:04

Catherine Tracy For National Highways, essentially they're the same document document achieving the same purpose just with different names. So we, we have and it's different terminology. So we have statements of common ground currently with six parties, natural England, Hampshire Environment Agency, Historic England, South Downs, National Park Authority and Winchester City Council that we're looking to agree matters of common ground but also highlight where there are differences so that that will help the inspectors and the examining authority and the Secretary of state ultimately to work out the issues that they need to focus on.

00:45:24:16 - 00:45:49:19

Um, we also have the progress with statements of Common Ground, which is an overview document setting out how far away we are from agreement and over a high level summary. And that's the document we're proposing to update as we go. We will update the statements of common ground as well, but we're also proposing to update that document as an overview document. Um, and it is just a matter of terminology.

00:45:53:08 - 00:46:11:02

So may ask another follow on question. The statement of common ground. It sounds entirely amongst statutory objectors or statutory parties, um, that that has no bearing whatsoever on individual

00:46:13:05 - 00:46:23:00

interested parties who whether they they agree or not with what's in a statement of common ground, has no bearing on their

00:46:25:20 - 00:46:27:12
position and how it's examined.

00:46:27:21 - 00:46:36:15
Which is just because a position is agreed in a statement of common ground doesn't necessarily mean between the parties to that statement.

00:46:36:17 - 00:46:37:08
Of common ground.

00:46:37:10 - 00:46:48:23
Doesn't necessarily mean that the examining authority will accept that position. So we will listen and take into account other views outside.

00:46:48:25 - 00:46:53:00
What has been agreed between two other parties to the examination.

00:46:55:09 - 00:47:13:20
Katherine Tracy National Highways just and it's not the exclusive domain of statutory bodies either. So if if you were interested in trying to agree some points or flesh out where there is a disagreement, we would be happy to talk to you about that because that will help the examination and.

00:47:13:22 - 00:47:14:09
Certainly we.

00:47:14:11 - 00:47:16:01
Would welcome that as well.

00:47:20:22 - 00:47:58:18
Thank you for your questions and clarifications. Is there any further questions regarding statements of common ground? Okay. Thank you. So just looking at procedural decision item number three, we listed some additional submissions from the applicant which lists that we received the updated book of reference and statement of reasons as being accepted. The applicant procedural deadline points out that an updated draft was also submitted at the same time as these other two stated documents in response to the Section 51 advice.

00:47:58:20 - 00:48:39:07
And the applicant has requested that the examining authority confirms that this has been accepted. And in response, we can confirm that the revised draft DCO has been received and is also accepted into the examination. So just to clarify that point, thank you. Um, lastly, looking at procedural decision item number five. Um, this is the request that statutory parties notify the Planning Inspectorate of their wish to be considered as an interested party by deadline one on the 6th of June 2023, and we request the various statutory parties to carefully note that deadline and respond as appropriate.

00:48:40:17 - 00:48:58:09
Um, so those are all the points that we wanted to raise under that item. And so before we move on from agenda to five, I know we've asked for questions as we've gone along. Is there any further questions about the procedural decisions in Annex F that anybody would like to ask or comments to make?

00:49:02:11 - 00:49:05:19

No, Thank you very much. Sure. Back to Ms.. McCoy.

00:49:10:27 - 00:49:22:22

Thank you, Mr. Sims. So, agenda item six, any other matters? This is the last item on the agenda where we're happy to hear on any of the matters not covered to date.

00:49:29:26 - 00:49:35:14

And nothing from anyone on teams. No. Hands up.

00:49:39:09 - 00:49:50:12

So kind of kind of just Chris Christopher from Winchester Friends of the Earth can just be sure that that all hearings in relation to this will be in Winchester. Will they?

00:49:53:22 - 00:49:54:23

I'm we.

00:49:56:04 - 00:49:58:00

I think that's likely.

00:49:58:12 - 00:50:04:18

Um. It would only. It seems to be a reasonable location.

00:50:04:23 - 00:50:05:26

The only.

00:50:06:15 - 00:50:08:13

Reason that we might consider it.

00:50:08:15 - 00:50:10:02

Is whether there was a particular.

00:50:10:04 - 00:50:24:17

Benefit in holding a hearing in another part of the area. But my understanding is that this is the this the hearings will be heard in Winchester.

00:50:35:00 - 00:50:41:06

Right if there are no other matters, we've covered the matters on the agenda for this preliminary meeting.

00:50:41:08 - 00:50:44:15

There's no other matters anyone wishes to raise.

00:50:44:17 - 00:50:49:24

I'll close the meeting. We'll consider all the proposals.

00:50:50:06 - 00:50:51:05

For examining.

00:50:51:07 - 00:51:25:07

The application. And that will be considered in the light of the discussion at this meeting. The minutes and recordings will be available on the project page as soon as practicable. The Rule eight letter, including the examination timetable, will also be sent to you as soon as practicable after today's preliminary meeting. This will include our decisions on any procedural matters raised. We'd ask you to note the requirements of the upcoming deadlines and come from firm that subject to any changes we make.

00:51:25:09 - 00:51:32:25

Following the meeting, our first written questions will be published within the next few days. So just leads me.

00:51:32:27 - 00:51:33:13

To.

00:51:33:15 - 00:51:40:15

Thank you all for your help and participation in this meeting. The meeting is now closed.