

### **M3 J9\_ISH2\_1st AUG\_PT1**

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#### FULL TRANSCRIPT (with timecode)

00:00:05:07 - 00:00:40:03

Good morning. It's now time for me to open this hearing. So welcome to this issue specific hearing, which is the second issue specific hearing we are holding for the M3 junction nine improvements. So this hearing relates to a number of topics, namely the draft development, consent order, traffic and transportation, public rights of way and non-motorized user routes, biodiversity, air quality and noise and other health impacts. Okay. Before I go any further, can I just confirm that everyone can hear me clearly? Great.

00:00:40:22 - 00:01:14:10

If there are any difficulties in that respect during the event, then please do draw our attention to it. Can also confirm with our case manager, Mrs. Sarah Norris, that the live streaming and recording of the event has commenced. Thank you. So my name is Matthew Simms. I'm a chartered civil engineer and I'm a member of the panel of examining inspectors who have been appointed to examine reports and make a recommendation to the Secretary of State on this application. I'll now ask my other panel member to introduce herself to you.

00:01:15:21 - 00:01:29:06

Good morning, everyone. My name is Wendy McCarthy. I'm a bachelor of law non-practicing solicitor, and I'm the inspector appointed by the secretary of state to be lead member of the panel examining this application.

00:01:30:25 - 00:02:03:15

Thank you. Together, we constitute the examining authority for this application. I'll now explain some of the housekeeping arrangements for the meeting. For those of you who are attending in person, firstly, can everyone please either set their devices and phones to silent or turn them off as usual so that we do not disrupt the proceedings? The toilets are located down the stairs opposite the main hotel reception. We've had it confirmed again that there's no fire alarm testing scheduled during the meeting today.

00:02:03:25 - 00:02:34:09

Therefore, if the fire alarm does sound, please leave the building by the nearest clear exit and do not re-enter the building until instructed to do so by a member of the hotel staff. The assembly point is the hotel front car park. As far as any breaks are concerned for today, we intend to take a short 15 minute break around about 1130 and a longer break for lunch at a convenient point around 1:00. Another short afternoon break is proposed at around 330.

00:02:36:07 - 00:03:07:14

So this meeting will follow the indicative agenda published on the National Infrastructure Planning website on the 21st of July 2023. And it would be helpful if you had that copy in front of you as detailed on the agenda. This issue specific hearing is programme to be held over three days and to eight attendees. We have indicated how we anticipate the issues will be spread over those three days. The agenda, however, is still for guidance only, and we may add other considerations or issues as we progress.

00:03:07:16 - 00:03:44:11

We will conclude the hearing as soon as all relevant contributions have been made and all questions asked and responded to. But if the discussions can't be concluded, then it may be necessary for us to prioritise matters and defer other matters to written further questions. Likewise, if you cannot answer the question directly being asked to you or require time to get the information requested, then can you please indicate that you need to respond in writing? So although today's hearing has been publicised as to be undertaken in a hybrid way with the opportunity for people to join us virtually.

00:03:44:13 - 00:04:18:25

I have had it confirmed to us that all attendees are in person today and will just do one further check with our case manager. Thank you. So everyone is in the room. However, we will still be recording and the live streaming. A recording of today's events, as I've just said, will be made available on the M3 Junction nine Improvement Projects section of the National Infrastructure Planning website as soon as practicable after the hearing has finished. With this in mind, please ensure that you speak clearly into a microphone stating your name and who you are representing each time before you speak.

00:04:19:11 - 00:04:41:20

The microphone is switched on and off with the button in front of you. If you are not at a table with a microphone, there is a roving microphone. So please wait for one of those to be brought to you before you speak. And I know we've got a number of people that aren't sitting at a microphone at the moment. And if you need to swap seats, that's absolutely fine. But we have the roving microphone as well.

00:04:43:06 - 00:05:05:27

Link to the planning Inspectorate's Privacy Notice was provided in the notification for this hearing, and we assume that everybody here today has familiar in themselves with this document which establishes how the personal data of our customer is handled in accordance with the principles set out in data protection laws. Please speak to Mrs. Norris if you do have any questions about this.

00:05:08:02 - 00:05:39:16

So regarding the purpose of today's hearing. So this issue specific hearing provides an opportunities for the issues raised by interested parties and in particular the differences between them to be explored further by us as the examining authority. As indicated in the agenda, questioning at the hearing will be led by a member of the panel supported by the other panel member. I would ask for those who are present not to interrupt while another person is giving evidence, even though you may disagree strongly with what is being said.

00:05:39:27 - 00:06:12:01

It's important that everybody has a fair opportunity to put their case without interruption or other distraction. The guidance for the examination of applications for development consent orders explains that the examining authority may refuse to hear evidence, which is, in its view, irrelevant, vexatious or frivolous, or relates to the merits of a national policy statement. It all repeats other representations already made or relates to compensation for compulsory acquisition of land or an interest in or over land.

00:06:12:25 - 00:06:45:14

Additionally, the examining authority may request any person behaving in a disruptive manner to leave the hearing or remain only if that person complies with specific conditions. Thank you. So it would now be helpful if those of you who are participating in today's meeting could introduce yourselves. We have a number of you here today, so we will. Without further ado, Will. When state your organization's name, please introduce yourselves stating your name and who you represent and which agenda item you may wish to speak on.

00:06:46:05 - 00:07:10:03

If you are not representing an organization, please confirm your name, Summarize your interest in the application and confirm the agenda item upon which you wish to speak. And also could please, could everybody state how they wish to be addressed during the hearing? I'll start with the applicant and any of the advisors. So please, who represents the applicant today? Thank you.

00:07:10:19 - 00:07:43:25

Morning. Katherine Tracy of Burgess Salmon. Um, Mrs. Tracy, I have with me a number of team and we will play musical chairs as we go through the day. Various people speaking. Various people. Not on my right. There's Tom King of Walkers Fitzpatrick. Um, Malcolm Willingham of Stantec. At Tom Beasley of National Highways, my colleague Douglas Haycock of Burgess Salmon. And then we've got various others that we'll speak as and when. So was proposing to introduce them when we change topics.

00:07:43:27 - 00:07:44:16

But that's.

00:07:45:07 - 00:07:53:07

Absolutely fine. Yeah. Thank you very much. Uh, and can ask the South Downs National Park Association Organization.

00:07:54:16 - 00:08:09:11

Um, good morning. I'm Nick Grant of Council instructed by and joined to my right by, uh, Kelly Porter major projects lead of the South Downs National Park Authority. Mister Grant is fine and Miss Porter is fine. Thank you.

00:08:09:13 - 00:08:12:24

Thank you very much indeed. Winchester City Council.

00:08:14:06 - 00:08:22:07

Good morning, sir. Robert Green for Winchester City Council. Mr. Green is fine. Not here for any particular items today, just for matters of clarification. Thank you.

00:08:22:29 - 00:08:26:21

Thank you very much. And Hampshire County Council, please.

00:08:27:11 - 00:08:50:00

Good morning, sir. Joel Mikula, counsel for Hampshire County Council. Here is the local Highway authority, Street Authority Traffic Authority and the local flood authority. Mr. Semicolon is fine for me. I'm instructed by Mr. James Hammond, who's here on my right. Next to him, we have Mr. Ben Clifton.

00:08:53:09 - 00:08:56:03

To him. We have Mr. Thomas Callaway.

00:08:58:03 - 00:09:08:22

To have Mr. Ian Ackerman and think those would be the four people really dealing with the earlier part of the agenda. We're also going to be doing some musical chairs and I'll introduce others as they come up, sir.

00:09:09:02 - 00:09:19:05

Thank. Thank you very much. Yes, the agenda is busy, so it's great to have the opportunity to hear from different people during the day. So thank you for that. And Winchester, Friends of the Earth, please.

00:09:21:10 - 00:09:33:19

Chris. Chris Gillum, I'm hoping to speak on the the the traffic and economic appraisal and later on on the air quality.

00:09:35:15 - 00:09:38:29

Thank you very much. And Winchester action on the climate crisis.

00:09:42:12 - 00:10:04:08

Hello, my name is Phil Gag. Unfortunately, we are not in a position to play musical chairs, so I will be the only person and don't mind what I'm addressed as I would like to speak, or at least on traffic and transportation. And, uh.

00:10:06:24 - 00:10:10:19

Sorry. Can't read my notes. Traffic growth modeling and.

00:10:13:00 - 00:10:20:28

It may be that the discussion on some of the other topics widens, but I'm anticipating it may not.

00:10:22:07 - 00:10:25:24

Thank you very much, Mr. Greg. And Councillor Porter.

00:10:36:07 - 00:10:55:02

Good morning, Councillor Porter. I'm the county councillor for the area that covers just from the junction nine north to the Carden Horse junction. I'm also the City Council cabinet member for Pace and local plan. Councillor Porter is fine. I'll be speaking later. Should that not be covered by everybody else?

00:10:55:04 - 00:11:06:08

Thank you. Thank you very much. And I believe we have a representative from the, um, local bus, um, cycle bus group. Dr. Higginson.

00:11:09:25 - 00:11:10:10

No.

00:11:13:10 - 00:11:19:10

Okay. That's fine. And I believe we have someone from Winchester as well. Please.

00:11:20:00 - 00:11:38:12

Yeah. Antique representing cycle Winchester Local Campaign group. I'm also a cycling advocate from Cycling UK Cycle Advocacy Network and Mr. Key is fine. And here to talk speak to the public rights of way and.

00:11:39:06 - 00:11:53:20

It's right. Thank you very much. Um. Is there anybody else in the room who wishes to speak at the hearing today? If so, then please introduce yourselves now and let us know which item on the agenda you wish to speak to.

00:11:57:17 - 00:12:33:07

Okay. Thank you very much. Just before we we are about to move on to the substantive agenda, but just before we do, um, if we can just highlight that we accepted two documents late into the examination after deadline three, which we felt was were pertinent to mention at the beginning and we wanted to include prior to the issue specific hearing starting. One was from Hampshire County Council being the consultation document for the In Horse Junction, and the other was a draft statement of common ground between the applicant and Cycle Winchester, which was only received yesterday.

00:12:33:18 - 00:12:41:27

Um, the latter, as I say, the latter was only published yesterday. And I'd just like to ask Hampshire County Council if they've seen this as it may be referred to later today.

00:12:45:06 - 00:12:46:15

We have not seen it yet. So.

00:12:47:14 - 00:13:06:16

Yes. In which case want to mention it at the beginning, because we do have some time before we get on to the the items which will cover that. However, we will we will make sure you have a fair opportunity to see that and respond to it and any other any other as well after the hearing.

00:13:06:22 - 00:13:07:12

I'm grateful, sir.

00:13:11:15 - 00:13:13:17

It's. Yes.

00:13:14:06 - 00:13:39:09

Chris Gillam, Winchester, Friends of the Earth. I'm afraid I'm rather ignorant of the process here. I did submit a document last week on the modeling and appraisal issue, but seemed it seemed to have been lodged against deadline for and I'm not I'm think must have missed deadline three for it so don't know quite what to do with that. A summer can summarize it today, but.

00:13:40:21 - 00:14:08:12

Think what we will do, Mr. Gillam, is I haven't seen that. And the items that you might referring to will be happening later in the agenda at possibly this afternoon. So I'll talk to the case manager after this and we'll give you an answer later in the day about how we're going to deal with that representation. So we will we will put it to one side because we've got another item on the agenda that doesn't include that. And we will have a look at that during the break with the case manager.

00:14:08:24 - 00:14:09:14

Thank you.

00:14:11:29 - 00:14:23:25

Okay. So we will now start the substantive agenda and I will hand over to Ms.. McKay, who will lead us through item two on the agenda. Thank you very much.

00:14:27:02 - 00:14:59:11

Q Mr. Sims, just before get on to agenda items, if I could draw your attention and reiterate what is said in the agenda about the DCO part of this hearing, which is that comments that you make at this hearing are this aspect on the are made without prejudice. That is to say you'll be making those comments without weakening or prejudicing your position, either in support or in opposition.

00:14:59:20 - 00:15:32:28

It's important that notwithstanding the outcome and the recommendation, we do still have to include a draft with our report. And it's important that that's in the best quality that can be achievable. So with that said, if I can move on to Article three, that's this application of legislative provisions. And I propose to deal with the first two bullet points together. So if I can turn to Hampshire County Council first.

00:15:34:08 - 00:15:36:09

Now. Excuse me.

00:15:37:26 - 00:16:06:03

In response to our question. 919, you indicated that you did not consider that Section 23 of the Land Drainage Act 1991 should be applied, and instead the County Council consent scheme should remain in place. That's to govern any interference with watercourses under the DCO. Now, does that remain your position and if so, please, can you explain your view as to why the power sought is not justified?

00:16:09:06 - 00:16:51:13

Com Calloway Hampshire County Council. I work for the local authority. Um. To have the Land Drainage Act section 23 to supply would mean but an alternative consenting scheme would be required to make sure that any changes to watercourses such as culverts etcetera would not increase flood risk or cause any other detriment. Um, if there was another system, I could only imagine it would only replicate what we already have. Um, it would potentially be more expensive because the prescribed in the Land Drainage Act is £50 per structure, whereas we'd need to recover some of our costs, which would be at a whatever our hourly charge standard charge would be.

00:16:51:29 - 00:17:17:02

Um, we would have to create all new, um, stationery etcetera, where we would rather just use the process that already exists. And I'm not entirely sure what advantage is gained by not having the land change process and having an alternative because there must be something in place to, um, make sure that there is no increase in flood risk when these works are undertaken.

00:17:20:21 - 00:17:38:28

Has this been the subject of discussions with the applicant? Because the applicant in its comments on your local impact report indicated that that would be a topic for discussion. And I'm assuming from what you've just said, either it's not been or no progress has been made in that respect.

00:17:45:29 - 00:18:12:12

The person who's been mostly involved in the discussions is Sarah. If it's not here currently, um, I don't I haven't personally had any discussions at all with anybody because I've been drafted in due to annual leave. So, um, as far as we're aware, the, the proposal was that the Section 23 of the Land Change Act would be applied and I'm not certain what was proposed in its place.

00:18:17:01 - 00:18:21:16

Perhaps if I could have. Mrs. Tracy, your response to that?

00:18:21:26 - 00:18:56:06

Katherine. Katherine Tracy Um, for the applicant, um, discussions have been going on, but think it would probably be fair to say no progress has been made. However, from the applicants position, we are looking at whether or not we do continue need to need to have that, um, this application of the permitting of section 23 or whether or not looking at the scheme now as it's coming forward and the design coming forward, whether or not we could use Hampshire County Council's existing system.

00:18:56:08 - 00:19:01:17

So that is, that is something that is ongoing and we'd be looking to bring that forward when that works concluded.

00:19:01:19 - 00:19:13:02

So when you say it's ongoing, um, is it anticipated to be resolved in that matter or when when is the examining authority going to receive a definitive response from you?

00:19:13:08 - 00:19:33:28

Um, I think it's probably best to say deadline five because we are in the middle of holiday season. Um, but it is actively being looked at from the applicant side and therefore we'd expect to be able to share our position with Hampshire fairly shortly.

00:19:36:12 - 00:20:08:07

Uh, thank you. And if I go to you as well. So don't believe we have the Environment Agency here, but that was in response to bullet point three of this agenda item. Um, and. Your latest draft has. Made amendments in this respect. And do you know the position is is that the complete. Resolve the complete request of the in that respect?

00:20:09:19 - 00:20:39:08

Yeah. We have removed the dis application of the provisions that the Environment Agency wouldn't consent to, and there are active negotiations being undertaken to resolve protective provisions, which is the only outstanding point of disagreement between the Environment Agency and the applicant. I believe you've had an updated statement of Common Ground submitted as a draft, and it is just the outstanding protective provisions that are holding up the signature of that.

00:20:40:25 - 00:20:41:15

Thank you.

00:20:45:12 - 00:20:53:24

Apologies If we move on now to the next item on the agenda, which is Article eight Limits of deviation.

00:20:56:00 - 00:21:13:00

And the first bullet point, and that relates to the limits of deviation for the attenuation bonds and why it's necessary to have the flexibility that sought for these aspects of the proposed development. If I can turn first.

00:21:15:09 - 00:21:52:09

Bonus. It's Mr. Grant or Ms.. Porter that's going to be responding. But South Downs National Park Authority, in response to question 914, you expressed significant concerns about the proposed limits of deviation, allowing for up to five meters in relation to drainage works and the attenuation ponds. So we we have touched on this um, position of the ponds to previous hearing, but could you explain further why you consider the limits of deviations need to be reduced in respect of those specific works?

00:21:55:15 - 00:22:14:14

Thank you, ma'am. Kelly Porter from the South Downs National Park Authority. Yeah, it's the same issues that we discussed that hearing one, it's it's the landscape impacts and the concerns we have associated with that. And obviously the the limits of deviation could could extend or change those harmful impacts.

00:22:21:14 - 00:22:40:02

And in terms of deviation and alternative, what would you regard as reasonable for, given the location, proposed location of the attenuation ponds and the landscape in that particular at that particular point?

00:22:41:07 - 00:22:56:29

Thank you. Thank you, ma'am. Think again. It's the perhaps the issues we we discussed at hearing one, that perhaps the drainage features could be part of a include a design code or design principles to help help address some of our concerns.

00:23:03:22 - 00:23:11:00

Yes, sorry. And yes. In terms of the limits of deviation, obviously we'd like them as tight as possible for obvious reasons.

00:23:20:09 - 00:23:28:20

Yes, sir. So you say as tight as possible. You're not leaving it there. You're not saying you're not putting forward an alternative.

00:23:29:15 - 00:23:36:10

Not not in terms of of meter ridge or anything like that. No, because our position is obviously that the drainage features are harmful.

00:23:37:12 - 00:24:07:27

Thank you. Um, could turn to the applicant. Um. What specific factors have led to the extent of the limits of deviation for the attenuation ponds? Mean do have your response to our question. Nine 112. Um. Which indicates the factors that have determined the limits of deviation. But could you tell me the specific factors that have led you to set these limits here?

00:24:09:17 - 00:24:43:21

Katherine Tracy for the applicant and certainly think we are only talking here really about one J and one M, which are the two two larger attenuation basins and the limits of deviation across the scheme are drawn tightly. This is the most generous and not an engineer. So if need further, if you need further information, I will ask my colleague. But, um, the the the design of the attenuation ponds allows while it's a five meter lateral deviation, there is also a half a meter vertical deviation.

00:24:43:23 - 00:25:20:24

And if you dig the pond basin lower, then in order to maintain the gradients on the side of the basins, you need to push the side of the basins out. Um, the calculations that we've done at this preliminary stage are such that if you, um, if their basins were in flat ground and you dug down half a meter, you would need to extend by three meters on the lateral. However, the basins have been designed to be in an actual depression and the ground isn't a level ground and therefore the sides extend exponentially, but up to that five meter limit of deviation.

00:25:20:26 - 00:25:28:14

So, so that is why it is five meters and we can't we can't bring it in any further without doing significant detailed design.

00:25:30:22 - 00:25:35:20

And why do you need the flexibility? The vertical flexibility?

00:25:37:00 - 00:25:49:04

That's linked to the detailed design then of the highway carriage and drainage flows and rates through in order to to know exactly the volume that needs to be retained in the drainage basin.



00:25:50:25 - 00:25:51:15

Thank you.

00:26:00:27 - 00:26:06:00

Just check that the South Downs National Park, though. You don't want to add anything. Thank you.

00:26:09:24 - 00:26:44:01

In terms of the technical explanation we've just been given can understand. When you're talking about the the if could ask good question through you, ma'am, just for our own understanding, when reference is being made to extending five meters. Out the lateral, the lateral movement. Does that mean five meters out from each red line? So if collectively you're drawing a five meter circle around the edge of the current red line and it becomes five meters wide that way, or is it five meters in total? Five meters on the diameter, for example?

00:26:46:27 - 00:26:48:24

If we could have the response yet.

00:26:48:26 - 00:27:04:13

Katherine Tracy Burgess Salmon for the applicant um, the the outer limits of deviation are those shaded pink on the work plans. So that's the absolute extent to which they can extend. They can't extend outside of that.

00:27:08:07 - 00:27:09:00

Thank you.

00:27:11:22 - 00:27:42:20

So if I can move on now to a point raised by Hampshire County Council that was in response to our question. Nine 114 You indicated that whilst principle was accepted, the limits of deviation from points e to Er for Shannon works plan sheet three only provide for half a meter vertical deviation. You requested that is kept under review, pending agreement on the cart and horse junction which would tie into this section of the works.

00:27:42:22 - 00:28:13:24

Now we will be coming. To a more detailed discussion on the merits or otherwise of that later on in the traffic and transport section. This is simply in relation to the DCO drafting and so is the position that is the position at the moment in time that no agreement has been reached in relation to that junction that would require amendments of the limits of deviation.

00:28:17:02 - 00:28:36:12

Ben Clifton from Hampshire County Council. Yes. Think that's correct. The comment came in the context of discussions around iterations of the cardinals. Appreciate welcome on to in more detail later. So in terms of the current limits of deviation has shown that that comment was purely in relation to any changes of Khan Horse's Junction.

00:28:44:03 - 00:28:48:07

No, thank you. And perhaps could just have the applicant's response to that.

00:28:49:06 - 00:28:50:28

So do you.

00:28:51:00 - 00:28:54:20

See any need for a greater vertical deviation at this point?

00:28:56:27 - 00:29:05:15

Catherine Tracy for the applicant? No, we don't see any need. We're required to tie into the existing carriageway. So we will do that.

00:29:10:18 - 00:29:36:01

Thank you. Now have a question for Winchester City Council on this question. And that was in response to our question. Nine 114. Again, you expressed concerns as to the five meter deviation for work numbers one and one M And could Winchester City Council explain why they regard that as excessive?

00:29:38:15 - 00:30:00:22

Thank you, ma'am. Robert Green for Winchester City Council. It was in relation to clarification point that the supporting documents and supporting reports would take account of that five metre deviation. Since that, the applicant has responded to that in the latest submission. So we are now satisfied on that point that it's been covered by the efficiently.

00:30:01:10 - 00:30:03:14

No, thank you for clarifying that.

00:30:06:09 - 00:30:11:05

Are there any other points anyone wants to raise under this article before? Move on.

00:30:15:17 - 00:30:20:07

Right. If we move on now to Article 11 Street Works.

00:30:28:24 - 00:31:00:13

And again, my first question is for Hampshire County Council. So in your local impact report, ten, six and ten seven and in response to the examining authorities. Question nine 117 you do seek amendment to Article 11. So could you explain why these amendments are important to you? And can you also comment on the applicant's proposed amendments set out in the D3 comments on the local impact report?

00:31:05:05 - 00:31:11:28

Uh, Joseph Mikula for the applicant. Think I'll just start here, and then Mr. Ackerman will take over.

00:31:13:20 - 00:31:47:04

It seems to us we're agreed in principle above the applicant and the county counsel that the permit scheme should continue to operate and that work should be carried out subject to the existing permit scheme. But where discussions remain ongoing as to how exactly that can be secured in the DCO in our local impact report. We've suggested an amendment to Article 11 for and in the response from the the applicant, they've suggested alternative wording.

00:31:50:02 - 00:32:17:17

We're still not content that that alternative wording that's been suggested in that in the applicant's response effectively ensures that all works carried out under this will be carried out pursuant to the existing permit scheme. And so that's an ask for your question as to why this remains so important for the County Council. Perhaps Mr. Ackerman can provide some additional detail there.

00:32:19:21 - 00:32:57:20

Yep. Ian Ackerman, traffic manager for Hampshire County Council. Yeah, the permit scheme, it's like with all other Highway Authority's national schemes and their recognized ways of coordinating works in order to minimize traffic disruption for all road users. We seek to maintain that permit system permit scheme. It's a well-run, well-managed scheme. It's it's seen its benefits and we need it and we

need the mechanisms, the conditions to add to the permits in order to try to minimize that traffic disruption to the residents and traffic passing through Winchester.

00:32:57:28 - 00:33:01:09

So we feel it's a vital scheme that has to be adhered to.

00:33:04:27 - 00:33:12:19

And in relation to the applicant's proposed amendment to this article, which.

00:33:14:10 - 00:33:19:08

Basically it says nothing in the article affects the operation of the traffic management permit scheme.

00:33:21:14 - 00:33:34:24

Explain to me why that doesn't resolve your concerns and are you either proposing that? This article isn't required or an alternative wording.

00:33:41:00 - 00:34:14:13

Madam, our position is that the wording that we've suggested, that affirmative wording that makes it clear that all these works will take place pursuant to the to the permit scheme. We say that's clearer than what's been put in the in the response to the law, which simply says that nothing will affect the operation of the scheme more generally, but doesn't give us the comfort that the applicant will necessarily carry out or works pursuant to the existing permit scheme. And I think that's where there's the room for more discussion.

00:34:15:19 - 00:34:19:25

Right that thank you for making that distinction. Could turn to the applicant then.

00:34:22:07 - 00:34:24:18

Catherine Tracy for the applicant.

00:34:26:28 - 00:34:54:29

Our position is that the wording, unless we specifically apply it, it will apply because it's its statutory, it's regulations in force, and therefore we don't actually specifically need to require compliance. We don't we don't state that with every other regulation. So it's it will therefore apply. And this is just clarify wording to make sure that it's clear that this doesn't affect isn't affected by the operation of the application.

00:35:07:04 - 00:35:22:17

So don't know if either party wants to comment on whether you're likely to achieve agreement on this or how what you know, how close are you? And if so, when? When are we likely to, um, get a definitive answer on that?

00:35:24:10 - 00:35:38:01

That we agreed on the principle. Think we will be able to get an agreement on this? On clarifying this and perhaps it's best we just take this away by the next deadline. Imagine we'll have agreement by deadline. Five apologies. Deadline five.

00:35:41:06 - 00:35:42:10

All right. Thank you.

00:35:46:27 - 00:36:11:09

I'll move on now to Article 12, which is part of all the layout of the streets and Hampshire County Council again. If can turn to you in your local impact report at ten, 8 to 1010, you seek these

amendments. And could you explain why you say that you need a minimum three month decision period and why it needs to include provision for recovery of costs?

00:36:17:10 - 00:36:57:29

Ben Clifton. Hampshire County Council. Think our comments there are really around a in terms of the time period is really around the ability for the County Council to resource requests and to process them within recognized timescales. So it's really a point they're around our ability to to respond to, to requests for, um, for approval. Um, that's, that's principally the reason behind the request for the three month time period. Um, I think just we are open to further discussion on that point with the applicant, but that's our, that's our current position and that's in line with our timescales for, for the permitting of works.

00:36:58:14 - 00:37:41:28

Um, the, the point around recovery of costs for, for the County Council is really to, to reflect the, the, the resource implications for the authority in terms of approving those, those requests and ensuring that they're undertaken to satisfaction of the highway authority. My understanding is those works will all be within the highway authority administered by Hampshire County Council and therefore we think it's reasonable that we we have a mechanism for recovery of our costs in in approving those works and and ensuring they're undertaken according to the agreed the agreed consenting.

00:37:43:23 - 00:37:57:07

Can you tell me any more about your in practice, what your difficulties would be in responding in the six week period and in terms of results? What would you be looking to achieve?

00:38:00:13 - 00:38:31:21

As indicated, we are willing to have a discussion about what would if it's if three months is considered to be too long a time period. We are open to a discussion over what would be acceptable for us as a highway authority. I think my my comment on that would be it would really depend on the the number and volume of of such applications that were to come come to the authority and and the pressure that might put on our our limited resources to process those within within the six week timescale.

00:38:32:06 - 00:38:44:03

So that's that's really where the where the comment comes from. Um, I'm happy that's a point we, we can continue to discuss, um, through offline and then through written representations.

00:38:47:05 - 00:38:49:06

And does the applicant agree with that?

00:38:50:19 - 00:38:51:14

A Katherine Tracy the.

00:38:53:27 - 00:38:56:18

Terms of the offline discussions, not the principle.

00:38:57:08 - 00:39:00:04

Yes, we're more than happy to continue those discussions offline.

00:39:28:27 - 00:39:43:16

Now, just check if you have any other comments to make on the amendment. That's a second bullet point. The amendments proposed by Hampshire County Council. That's two article 12 two and 12 three B.

00:39:58:27 - 00:40:09:23

When your lawyer says that you don't envisage the street authority will be inspecting the works undertaken by the applicant and there will be no costs to be recovered. Is there anything you want to add on that?

00:40:11:16 - 00:40:45:27

Is that Katherine Tracy for the applicant? Um, not at the moment. We're happy to go and to continue to wrap that into the discussions more generally. Um, I think it's probably just worth saying that Article 12 in terms of Hampshire County Council's network that this would apply to is Eastern Lane and Spitfire Link, which is the 272. The the rest of the scheme is on Trunk Road or special roads. So it's a very, very small area of the scheme. Um, so yeah, we can pick that up in discussions more generally.

00:40:47:12 - 00:40:48:00

Thank you.

00:40:52:02 - 00:41:08:27

So Article 14 construction maintenance of new, altered or diverted streets and other structures. Again, a question for Hampshire County Council and that's your local impact report at 911 to 1017. Sorry, 19.

00:41:10:22 - 00:41:34:03

That sets out your position in relation to this, which is that the authorised development should take place and come into the County Council's responsibility only pursuant to the terms of a relevant legal agreement entered into between the County Council and National Highways. So could Hampshire County Council update me on the progress of any negotiations on that?

00:42:09:17 - 00:42:17:07

And can you give me any indication as to whether any progress has been made or is that you both diametrically opposed?

00:42:50:06 - 00:42:52:26

Well, perhaps if I can hear from the applicants on that.

00:42:54:05 - 00:43:25:12

Yeah, I agree with Hampshire. In principle, there's there's quite a lot of middle ground that is being discussed. Progress isn't moving as quickly as don't think either party, um, would have hoped for at this stage. But I think we will reach a point where there is significant agreement between us and we should have a meaningful update. I should imagine a deadline five, I would say deadline for. But that's only after these hearings. So I think deadline five is probably more more realistic.

00:43:28:19 - 00:43:55:27

Thank you. And just go back to Hampshire County Council on the second bullet point under this agenda item. Are you still seeking those amendments to Article 14, five, B, 14, 514, six and 14 seven. In the light of the applicant's response in the local impact to the local impact report. And if so, why?

00:44:58:29 - 00:45:06:22

Excuse me, Mr. Hammond, could you please go a bit closer to the microphone? We can't hear you through the recording. Sorry. Sorry to interrupt. Um. Thank you.

00:45:07:29 - 00:45:08:14

So.

00:45:09:28 - 00:45:10:13

Great.

00:45:12:06 - 00:45:14:12

Um. Sorry. Would you like me to revisit?

00:45:15:27 - 00:45:16:12

Bedroom.

00:45:18:03 - 00:45:18:21

46.

00:45:18:29 - 00:45:31:11

So 46. The position at 4647 is effectively yeah, we acknowledge the response from national highways and we'd like to consider that, think and come back.

00:45:33:22 - 00:45:35:08

Sort of a hearing, if that's acceptable.

00:45:41:06 - 00:45:53:26

So you're going to be taking that off line? Yes. Are you going to provide a response to the. Examining authority, and if so, which deadline on the.

00:46:06:03 - 00:46:08:04

And we propose a deadline. Five.

00:46:14:01 - 00:46:14:26

Thank you.

00:46:19:16 - 00:46:51:14

So can Article 15 classification of roads you have. Hampshire County Council has also sought amendments um, in your local impact report 1018 you expressed concerns about the impact of Article 15 four and the transfer of tree trunk to highway, to the Council to council, and you've proposed an amendment to 15 four to reflect this again, Can you tell me update me on progress that has been made in relation to that?

00:46:59:15 - 00:47:00:02

So.

00:47:02:27 - 00:47:28:11

This. Don't recall that we received a specific response from the applicant in their document that dealt with responses to our local impact report. Um, so I think this is still very much in discussion. Um, happy to explain the sort of logic behind the amend that we sought but content for today for that to be something else for discussion.

00:47:33:18 - 00:47:55:08

So again mean the applicants in their local impact report. They just confirmed discussions are ongoing regarding drinking and they'll agree maintenance and ownership arrangements with you as soon as possible. So really, I'm wanting a clear indication, given that we're we're a little way into the examination as to progress on that and when and if any agreements likely to be reached.

00:47:57:12 - 00:48:09:08

Uh, certainly that's something that we were hoping to, to push and work towards. Um, that's still, we still don't have a, a resolution. Uh, you know, on the horizon.

00:48:12:21 - 00:48:17:04

If can turn to the applicant, if you can give me an update on that. And you know.

00:48:19:23 - 00:48:25:10

In the event that no agreement was reached, what would be the applicant's position and justification for this?

00:48:27:01 - 00:48:34:06

Um, Katherine Tracy, the applicant. Um. We are. It's part of a wider set of discussions. Trunking in particular is.

00:48:36:18 - 00:49:11:02

It is the topic of conversation between the applicant and Hampshire. And I think there will be a resolution of hopefully actually a satisfactory resolution to all parties. Um, but in the event that there isn't, I think deadline five would be the place where we will have had sufficient discussions that will have sufficient knowledge between us all of where we are all going to land. Um, or not, as the case may be, very much hope it's the former rather than the latter.

00:49:12:13 - 00:49:15:29

All right. Well, if we can leave that for a deadline five update, please.

00:49:19:17 - 00:49:32:00

So Article 16, this is another point raised by Hampshire County Council in their local impact report. And could Hampshire County Council explain why a minimum period of three months is sort.

00:49:35:16 - 00:50:11:09

I'm Ben Clifton from Hampshire County Council. Think it's a very similar point to the one we made regarding Article 12. Um, and this is regarding the, the processing of temporary traffic regulation orders in support of the scheme. And again, it's a point there around our ability to resource, um, those temporary TROs within the 28 day time period set out in the, um, again, as, as I said with Article 12, we are open to having a discussion with the applicant about again, a reasonable middle ground around some of those dates.

00:50:11:11 - 00:50:22:02

It's really a practical point, um, that we're making around our ability, if you like, to, to um, to support the application, um, during this construction phase.

00:50:25:07 - 00:50:53:20

You have seen also the applicants comments on the local impact report and they make the point that Hampshire County councils have been will have been subject to the Southampton to London pipeline and that requires a decision within 42 days. And they also say there's a limited extent of highway, um, over which the applicant is not the street authority. So do you want to respond to those points that they've made?

00:50:55:09 - 00:51:12:07

Thank Clifton Hampshire County Council. We're very happy to respond to those points. But think it's it's probably, in my view, something that we can do outside of this hearing because think it's an area, again, that we we are confident of making progress in terms of agreeing agreeing those terms. But I do take the points right.

00:51:12:22 - 00:51:14:27

All right. That's a helpful indication. Thank you.

00:51:23:02 - 00:51:36:27

So we'll move on now to, um, we're moving on to part five powers of acquisition within the draft of Consent order and Article 28 Public Rights of way and um.

00:51:38:19 - 00:51:42:02

The bullet points under this article. Um.

00:51:46:02 - 00:52:01:09

As as you've referred this to this in your local impact report. 1023. Is there anything you want to add in the light of the applicant's response and their proposed amendment to Article 28 two?

00:52:04:21 - 00:52:40:15

My name is Philip Millard. I'm the planning, Countryside planning manager. In regards to countryside services, we carry out the National Highway sorry, the local highway authority duties in regards to the public rights of way network. So that's who I'm speaking on behalf of. Um, no thank you to National Highways for coming back with their comments. Generally, we're happy with it. We would just like to request 42 days as opposed to 28 as the time period as that is our typical approach that we apply in regards to rights of way and temporary closures and and extinguishment notices.

00:52:43:18 - 00:52:51:03

Right. Thanks. So you're content with the basic drafting? It's just the time period that set out that remains in dispute.

00:52:53:02 - 00:52:54:06

Yes, that's correct.

00:53:09:17 - 00:53:46:24

So Article 34 Temporary use of land for carrying out an authorised development. Um, and the South Downs National Park Authority sought an amendment to this in its local impact report. Comments. And that's the table on the draft echo and this states it's unclear why these rather arbitrary powers would be required. Could South Downs National Park Authority explain further your objection to these provisions?

00:53:48:22 - 00:54:20:11

A Nick Grant for the National Park Authority. I'll ask Mr. Porter to come in in a moment on anything I've missed. Um, but two key points arise for us. Um. One looked at on its face, this power authorizes going into almost any of the order land, stripping it of vegetation and buildings and then leaving subject only to, um, restoring the land to the temporary satisfaction of the owners.

00:54:20:13 - 00:54:45:06

Article 34 for paying compensation. Article 34 five. I'm not suggesting it would be operated in that way, but the breadth of it is, is where we understand that to be. Um, and that with respect is really quite broad with the potential to do quite a lot of landscape harm, which is what we are concerned with. I've seen the applicant's response to our suggesting

00:54:46:23 - 00:55:17:09

that they don't have the power to do that. They could only use this where it's think the phrase used is necessary to do so. I don't see that safeguarding the order. If the safeguard is Article 34 one, which is in connection with carrying out the authorised works. In my submission, that's not nearly tight enough. So that's the first issue. The second issue is how this interacts with the other. Assurances, restrictions, etc.



00:55:17:11 - 00:55:58:14

set out in the requirements and the various plans like the Olympic, etcetera. Because again, on its face, this order is only made. Article 34 appears to be only made subject to 2062, which is time limits and not necessarily all of the other plans, restrictions, etcetera that are in play. So that's that understand is our concerns about the the the drafting of the order. Um, then there is a follow on to the extent that if this power is as broad as at the moment we understand it to be, where the potential impacts of its broader use have been, whether and if those potential impacts of its broader use have been assessed.

00:55:58:16 - 00:56:02:21

So those are the two drafting points followed by an assessment point.

00:56:05:19 - 00:56:17:05

So in terms of drafting, um. Can you. Can you provide an alternative form of drafting that would meet your concerns?

00:56:17:09 - 00:56:54:06

Um. We. We certainly can. I'd like to wrap a cold towel around my head and draft rather than on the hoof, but it would be something like in Article 20, 30, 41 swapping out in connection with for where necessary for which is a much tighter which imposes a much tighter causal relation. And then where it says subject to article 26 two, perhaps inserting something like and the requirements in schedule to that sort of drafting think would probably get us there.

00:56:54:17 - 00:57:01:12

Um, happy to think about it a bit more in supply revised wording afterwards if that would help. But that's kind of the broad themes that we'd be looking at.

00:57:02:01 - 00:57:17:08

Thank you. That would be helpful. And think the applicant also made the point that the article is precedents and has been used before in other echoes. I assume you might make a distinction about the location of the site in this case.

00:57:17:16 - 00:57:45:28

Exactly. That, ma'am, was to, of course, understand that if something's been approved before, it's helpful. There's a question of a whether this point has ever been taken before. And the secretary of state has honor The and the secretary of state on a contested hearing has decided that wording is fine rather than just copying it out. And B, in this case, we're in a national park. We're all aware of the high level of protection given by both statute and policy to that. So anything that can be done to protect it should be done.

00:57:50:01 - 00:57:54:24

And thank you. Does the applicant have any response to make on that?

00:57:56:17 - 00:58:01:20

Katherine Tracy The applicant. Um, not initially. We're happy to consider any wording.

00:58:02:27 - 00:58:03:19

Thank you.

00:58:08:11 - 00:58:55:11

If we move on to part six of the draft development consent order, Article 39 Felling and Lopping of trees. And I'll take both those bullet points together. And again, South Downs National Park Authority. You include this within your local impact report comments table on the draft Echo. So can you explain further your objection to the grant of this park and why you state that as drafted, it will make

it difficult to understand and assess the actual tree and hedgerow loss? And do you agree with the applicant that the article only authorized those hedgerows that are set out in schedule eight of the draft eco?

00:59:02:07 - 00:59:36:07

I'll ask Miss Porter to come in on in a moment. On your the first bits of your question on the whether hedgerows are limited to schedule eight. Think this turns on the wording of article 39. For. Um. Which states the undertaker may et-cetera remove any hedgerow described in schedule eight. Um. I think our concern is that that's not tight enough. That that seems to be an inclusive rather than exclusive provision, basically.

00:59:36:18 - 00:59:55:28

Um, so if it's. Um, so a slight tweak to the wording there may may only remove hedgerows described in schedule eight or something along those lines. Think would would satisfy that. But at the moment the drafting goes broader. And then I'll ask Miss Porter to come in on the first part of your question.

00:59:56:22 - 01:00:04:03

Yes, certainly. Just on that last point, can you include that within your, um, written summary?

01:00:04:07 - 01:00:05:02

Yes, of course.

01:00:13:25 - 01:00:40:04

Thank you, ma'am. Kelly Porter from South Bend National Park. It's it's the same point as the previous one. We we accept that this kind of wording is used in standard. But you're in a national park and we don't think the restrictions are necessarily tight enough or reflect this particular situation. But again, as as we previously happy to take away and come forward with perhaps some suggested amendments.

01:00:58:12 - 01:01:09:18

Yeah. If I turn to the applicant, then yes, I have have seen your response to this in that to our question. Nine 136 Um.

01:01:11:25 - 01:01:29:03

The point that you make is the article only authorized those hedgerows set out in schedule eight. But I think my question and the point that's been made is South by South Downs National Park authorities, whether that could be made more explicit in the drafting. If that's the intention.

01:01:30:04 - 01:01:35:25

And Catherine Treacy for the applicant was certainly willing to consider any proposed wording from South Downs National Park.

01:01:42:16 - 01:02:12:14

And Hampshire County Council. Your local impact report makes a point on this article to the effect you'd require compensation for any highway trees that are removed pursuant to the authorized development and would seek appropriate terms in the article unless it can be agreed that compensation will be payable pursuant to relevant legal agreements. Do you want to add anything in light of the applicant's comments on your local impact report?

01:02:14:17 - 01:02:46:05

At Ben Clifton, Hampshire County Council. Nothing particular to to add other than say we did this was discussed in a meeting we have last week with the applicant team and where further information was was requested from from ourselves in terms of the scale of any highway tree Hampshire County

Council, highway tree loss and also the applicant's own landscaping tree replacement program, which may may help to resolve this matter through that means.

01:02:46:07 - 01:02:51:18

So again, it would be I think it would be something that we can provide an update probably at deadline five.

01:02:57:17 - 01:03:02:03

And Mrs. Tracy, anything you want to add on that? At, not.

01:03:02:05 - 01:03:04:10

From the applicant at this stage. Thank you.

01:03:10:12 - 01:03:26:06

Right. So, um, unless there's anything anyone wants to raise on the articles, I'll move on to schedule two. The requirements which are set out and the first one on the agenda. Sorry.

01:03:26:17 - 01:03:38:18

Sorry, madam. There was just one brief point I wish to raise on behalf of the the County Council, and this is going back to Article 11 five.

01:03:40:03 - 01:03:49:07

Or the proposed rule 11 five dealing with the misapplication of. At section 58.

01:03:51:02 - 01:04:05:03

So the New Roads and Street Works Act 1991. It's Article 13, which this applies. Section 58. Section 58 A and schedule three A.

01:04:09:08 - 01:04:11:15

I'll just pause to let everyone get their.

01:04:17:23 - 01:05:01:14

It's a very brief point because we don't consider it's been fully addressed in the response to our lawyer, namely that the County Council is concerned about protecting residents from future works and restricting works following the works being carried out pursuant to this to the DCO. Currently, the applicant seeks to apply those provisions and it's unclear to us then how it is that the County Council can impose those restrictions on statutory undertakers and on the applicant from carrying out further works once these works have been undertaken.

01:05:04:23 - 01:05:06:26

Within the relevant time period.

01:05:08:26 - 01:05:09:15

Tracy.

01:05:11:21 - 01:05:44:16

Yeah. Katherine Tracy for the applicant. Um, happy to take it offline and wrap it into the wider discussions. But we would need to ensure that we can come on and do works and maintenance during the required period. Um, but certainly there's no anticipation of unnecessarily restricting Hampshire's management of its highway authority network such that it is at the end of the scheme. But think it probably wraps into a wider discussion involving trunking as well, because otherwise we're talking about Eastern Lane and split filing.

01:05:45:02 - 01:05:57:07

Um, whereas think that the A33 may well come into this, so happy to, to roll it into the wider discussions that are ongoing. And consider that any necessary amendments to the. If necessary.

01:05:59:00 - 01:06:02:06

Thank you. That's helpful. Thank you both. Thank you for raising.

01:06:08:15 - 01:06:27:03

Now schedule to requirements. First requirement to be considered on the agenda is requirement three, which is the environmental management plan. And the first question posed by the agenda is whether the hours of operation set out.

01:06:29:08 - 01:06:34:05

And three to be reasonable and necessary. Um.

01:06:35:27 - 01:06:52:29

And I raise this because I'm aware of other. Gto's involving highway works where the hours are more restrictive and. And the applicant has provided a response to our question. Nine 145.

01:06:54:03 - 01:06:54:21

And.

01:06:55:21 - 01:07:29:16

And makes reference to section one, a Section 61 application under the control of the Pollution Act 1974. Works that would be made and agreed with Winchester City Council and further controlled through the Noise and vibration management plan. So Winchester City Council can ask you if you're content that the working hours and in particular the proposed 7 a.m. start time and 7 p.m. finish Monday to Friday would provide sufficient safeguards for the living conditions of residents.

01:07:30:25 - 01:08:02:07

Thank you, ma'am. Robert Greenfield, Winchester City Council. Yes, we are satisfied with the overarching hours. I think the point of clarification I would raise is with the exceptions to those hours. A number of them were discussed with us during Pre-application. There's a few more that have been added on. So I think the clarification that we require is, um, the small description of the likelihood of those coming into play and maybe a few details of what they'd, what they'd entail. So happy with the overarching hours. Just a bit of clarification on the exceptions.

01:08:02:09 - 01:08:02:25

Thank you.

01:08:03:15 - 01:08:17:28

Thank you. And if I could put the same question to South Downs National Park Authority, um, it seems from your local impact report that you're content with the proposed working hours and does that remain your position?

01:08:18:21 - 01:08:22:15

Uh, ma'am. Nick Grant for the National Park Authority? Yes, it does.

01:08:26:11 - 01:08:48:18

Thank you. Just before we leave this requirement, can I confirm with Winchester City Council and South Downs National Park Authority that you are also content with general approach? The way that measures referred to in the is secured by the first, second and third iterations of the um Environment Management Plan.

01:08:50:09 - 01:09:20:16

Grant from the National for the National Park Authority. Um, broadly, yes, a point that bites here and also on certain other points is you may recall from one, um, we expressed a concern about the definition of relevant planning authority because there are parts where we would want to be consulted, even though we're not in the we weren't the relevant planning authority for, for a bit of it. Um, we understood the definition.

01:09:20:18 - 01:09:51:02

Would the definition of relevant planning authority was going to be changed? It hasn't been. The approach instead adopted is for specific articles like article like requirements five and six. We're make clear that we're consulted, which is as an approach is fine as far as it goes. Um, but that means that there are a number of other articles and requirements where we'd also like to be consulted. So it might be that we just have to give a list to, to national highways rather than deal with it here.

01:09:51:19 - 01:10:26:13

But there are certain things like um, the Article three includes a relevant local planning authority definition. So there's certain things in the, the, the first iteration like LV three and B13 and B14, where we might not be the relevant planning authority for a part, but we'd like to be consulted. So if the approach is not to change the core definition, but to make clear when we're an additional consultee that don't have an objection to that in principle, but just wanted to flag that there may be some more requests coming from us to to be consulted on that.

01:10:26:15 - 01:11:00:12

Um, and this also applies to the point I perhaps should have raised earlier in the article eight limits of deviation talk, because of course at the back end of that article there is a safeguard in the. You can go further than the limits of deviation. Subject to what? The Secretary. Subject to confirmation with the Secretary of State. But that's also consultation with the relevant local planning authority. And we too would want to be consulted on on that. So that that's the only point I wanted to raise on on that on Article three. I have another query about one of the definitions, but can come back to that because it's not Article three specific.

01:11:00:14 - 01:11:04:06

So whenever it's a convenient time for, you can come back to it if that would help.

01:11:04:18 - 01:11:07:15

Well, if you want to make that point now, that would be fine.

01:11:07:18 - 01:11:18:28

That's fine. It's, um, I it's a query about the. Declaratory elements of the definition of in requirement one.

01:11:19:24 - 01:11:20:16

So.

01:11:21:22 - 01:11:40:25

Um, the first before the comma means the design manual for roads and bridges don't have an issue with that. But it then goes on to say, which accommodates all current standards, advice and other document relating to the design assessment operation of trucks, roads, motorways, etcetera. Um. It.

01:11:42:15 - 01:11:47:17

The only query that I raise, and it's not something we dig in particularly strongly on, but.

01:11:49:03 - 01:12:20:02

I've rarely seen definitions in statute which seemed to declare that this is all you need to look at. Um, and I don't think that's the intention of it, but on a reading that that could be seen as it is effectively if you want to know what all the advice guidance is on designing things, things only look at. So don't think that's the intention, but it's a query I've raised. And whilst it has all the hallmarks perhaps of standard text that's been included in a number of DCS and possibly even the standard wording.

01:12:20:12 - 01:12:33:24

Again, it's a point raised because I thought it was unusual and wouldn't want there to be unintended consequences in terms of any other decision makers coming to make their decisions as to what guidance structure, etcetera they should be looking at.

01:12:35:19 - 01:12:40:22

You know that. Thank you. Does the applicant want to respond now or take that away? Thank you.

01:12:41:19 - 01:12:43:02

I'll take that away, please. Thank you.

01:12:55:17 - 01:13:08:22

Requirement for details of consultation. South Downs National Park Authority again. Can you explain why the amendment you seek is necessary?

01:13:09:26 - 01:13:45:20

Um, ma'am. Nick Graham for the National Park Authority. Again, I'll ask Ms.. Sports to come in in a moment if there's anything of our case that I've missed. Um, but in short, we don't see it as a necessary clarification. Um. For three is already pretty broadly worded. Um, the obligation to reflect consultation responses is where appropriate, reasonable and feasible. Um. And our concern, in effect, is a special privileging of cost and engineering practicality.

01:13:47:00 - 01:13:49:19

We don't want to be in a situation where

01:13:51:07 - 01:14:30:22

effectively national highways can just point to, Oh, it's a bit more expensive than we want and therefore, no, there is already an obligation to explain to the Secretary of State in Article four one or possibly 42 why something is thought not to be or what a particular consultation response is being departed from, you know, not reflected. So the, the justification is already there. Um, the wording in Article 43 was already pretty broad. And so the, the effect to us, it seems to be it privileges, um, engineering, practicality and cost considerations and that is something we think should be avoided given the particular context that we're in.

01:14:34:16 - 01:14:38:00

Thank you. The applicant want to respond to that.

01:14:40:09 - 01:14:49:28

We've had our response in the response to the. I don't think we've got anything further to add. We'll take that on board. And respond in due course.

01:14:54:29 - 01:15:24:16

So before we we go further, can I just jump back to requirement three and just check with Winchester City Council? I think I may have jumped ahead and not given you the opportunity to respond. So it was just to get confirmation that you were content with the general approach of the way measures were going to be secured by the first, second and third iteration of the environment management plan.

01:15:25:24 - 01:15:47:21

Thank you, ma'am. Robert Green for Winchester City Council. Yes. Yes, We are satisfied. Think the one point I would make and it was crossing into the noise part of the agenda tomorrow. It's just that the noise and vibration management plan that that will be prepared at a later stage. But I'm satisfied with that condition that Winchester City Council was consulted on the second iteration. So that's all. Thank you.

01:15:49:18 - 01:15:51:23

No, Thank you for that confirmation.

01:15:54:15 - 01:16:07:15

Right. The next item is requirement five landscaping. But before we move on to that, I'm just going to take a short break. So we'll enjoy adjourn now and resume at 1130.