

# TEXT\_PRELIM1\_SESSION1\_02112021

Tue, 11/2 11:30AM • 1:07:34

00:05

Good morning and welcome. Good morning.

00:10

This is a preliminary meeting for the A 417 Missing Link road project. Before we introduce ourselves, I will deal with a few preliminary matters.

00:20

Can I check with the case team that you can hear me and the meeting live stream has started.

00:28

Wanting Mr. Stone, I can confirm that I can hear you clearly and that the live stream has commenced. Thank you very much.

00:36

I would like to draw your attention to the fact that was both members of the examining authority are in attendance throughout the meeting. Only the cam panel member speaking will have their camera and microphone on at that relevant time.

00:51

So moving to introductions, I'm Ken stone. I was appointed in the 16th of June 2021 Under Section 65 of the Planning Act 2008. As amended under delegation from the Secretary of State as a lead member of a panel to examine this application. You will also hear us refer to as the examining authority.

01:15

I have a background and kind of contract planning. I'm a chartered member of the royal Town Planning Institute and I have been employed solely by the planning Inspectorate since 2013.

01:27

I have made a declaration of interest responding to the planning Inspectorate to conflict of interest policy, I can confirm that I have no declarable interests in relation to this appointment. I am a member of the National Trust, which are used for visiting its properties and countryside, but have never been involved in its management or policy setting.

01:48

My fellow panel member was appointed in the CME did, and I will ask him to introduce himself, Mr. Wallace.

01:56

Thank you very much, Mr. Stone. My name is David Wallace. I'm the second member of the panel appointed to examine the A 417 Missing Link application. I'm a chartered member of the royal Town Planning Institute and have academic qualifications and environmental planning. I have made a declaration of interest responding to the planning Inspectorate conflict of interest policy and can confirm that I've no declarable interests in relation to this appointment.

02:25

Thank you, Mr. Walz. Can I also introduce our planning Inspectorate colleagues working with us on this examination, some of whom you will have spoken to already,

02:35

George Harold is the case manager leading the planning Inspectorate case team for the application. He is accompanied by case officers Jim's Bonton and Joe Shaeffer.

02:45

I'm sure you will get to know them. As the examination progresses,

02:49

the preliminary meeting is taking place virtually online. But the format content and procedure will be very similar to the traditional face to face preliminary meetings that have been held for previous development, consent order examinations.

03:05

We are conscious of video conferencing fatigue, and we aim to keep the proceedings focused and as efficient as possible. To assist this we issued Annex B to our rule six letter of the 30th of September 2021. And this set type an introduction to the preliminary meeting process. I trust that you have all read this in advance, as we will only be providing a summary of the key points in the meeting this morning.

03:32

It is my intention to have a break after approximately an hour since I'm conscious that you have already been in the arrangement conference before this preliminary meeting.

03:42

And we will continue with further sessions of up to one hour or one and a half hours with breaks, including a break for lunch if things progress and we need to do that it may be that we're we conclude before that

03:58

we will be examining application number T R. O 10056 which is for an order for developing content for the A 417 Missing Link road and nationally significant infrastructure project. The application has been made by highways England, although they have recently been renamed national highways.

04:23

The scheme will provide approximately 3.4 miles or 5.5 kilometres of new rural allpurpose dual carriageway for the A 417 The new dual carriageway would connect the existing a 417 Brockworth bypass with the existing dual carriageway a 417 south of Cali

04:46

section to the west of the existing airberlin roundabout would follow the existing a 417 corridor. But to the south and east of the airport and run both the corridor would be offline away from the existing Route Corridor.

05:00

The scheme would comprise the following key components and new crossing near Emma's growth for walkers, cyclists and horse riders, including disabled users, which would accommodate the Cotswold way National Trail

05:15

and new junction near to Allenwood connecting the existing a 436 and leckhampton hill with the new a 436 link road and called slave Lin,

05:28

a new 37 metre wide Multi Purpose crossing north of sharp Hill. The Crossing would also carry the Gloucestershire where

05:39

a new junction A Chapel Hill providing a link from the A for 170 a 436 and to the B 4070.

05:48

A new junction would be included near cola replacing the existing Cali roundabout and providing local access to stock and other settlements.

05:59

The repurposing of the current a 417 between Stockwell Lee and the cops world way crossing, providing a traffic free walking second and horse riding route, including for disabled users.

06:14

You will find information about the application a document produced for this examination on the planning Inspectorate national infrastructure website.

06:24

This has a landing page for this project on further pages that set out the examination procedure, the timetable relevant representations and examination documents are real six letters the 30th of September includes the web address.

06:42

We encourage you to look at that website. If you haven't already done so because we will be using it to communicate with you need to provide access to documents throughout the examination.

06:53

I will not speak briefly about today's meeting.

06:57

Firstly, you could ask the case team to share the agenda on screen please.

07:14

Thank you very much.

07:17

The agenda for today's meeting is on screen. And for those who are the small screen or if anybody has joined by telephone, it would be helpful to have a hard copy in front of you and to refer to it as we go through today's business.

07:30

And notice this meeting will be produced and the digital recording will be made. Both will be made available on the project page of the national infrastructure rep website that I refer to earlier.

07:41

The recording allows any member of the public who is interested in the application and the examination to find out what has happened, whether they were able to attend the meeting or not.

07:52

To assist viewers and listeners, anyone speaking should introduce themselves each time they speak.

08:00

The event is being live streamed by production 70.

08:04

As just noted, a full recording of the meeting will be made available on the project page of the planning Inspectorate national infrastructure website. Shortly after this meeting adjourns. Some of you may be watching that recording now.

08:18

You can make submissions about anything you hear on the recording, or any other comments about the arrangements for the examination in writing by procedural deadline B. And that is Wednesday the 10th of November.

08:34

Additionally, although we think it has been disabled, please do not use the chat function on Microsoft Teams. This is because those joining by telephone or watching the recording cannot see it and it does not fall in part of the formal record.

08:50

If you have any points that you wish to make, then please do so in writing by deadline A, which is Wednesday the 10th of November.

08:59

I will now turn you over to Mr. Wallace, who will ask you to introduce yourselves in turn. Thank you, Mr. Walz. Thank you very much. Last you have already all given your details when joining the attendance conference earlier, you have not yet been introduced to each other, or indeed to those who are following this meeting online. Shortly I will be asking you individually for details. But before I do just a few things to remember.

09:28

We have already advised you that this meeting is being recorded. Because this is a virtual meeting. It will be listened to by attendees in many different locations, both during and after the event. And their participation is just as important of all of ours.

09:44

At this stage, I must make clear to you that because the digital recordings that we make are retained and published. They form a public record that can contain your personal information and to which the general data protection regulations apply.

10:00

The planning inspectorates practice is to retain and publish the recordings for a period of five years from the date of the Secretary of State's decision on the development consent order.

10:12

It is important therefore that you understand that the meeting being recorded, and the recording will be retained and published and if you participate, you consent to the retention and publication of the digital recording. If you prefer not to have your image shown, you can keep your camera switched off and only turn the microphone on when you wish to speak.

10:33

To avoid the need to edit the digital recordings, I would ask that you try your best not to add any information to the public record that you wish to be kept private or confidential.

10:45

If you are we consider that there is no alternative to the disclosure of such information. We will agree a process with you to enable it to be made available without it forming part of the public record. The normal way to do this will be asked you to make a general or submission with detailed private and confidential information supporting it in a written document. Whilst a written document will also need to

be published, it can be redacted, which is a process in which personal content is removed before it is published.

11:17

It follows that if you begin to make an oral submission that appears likely to include information that would normally be private and confidential. The inspector chairing that session will check with you to ensure that you consent to retention and publication of that material.

11:33

Does anyone have any questions about the terms on which our digital recordings are made?

11:41

Okay, nothing heard.

11:44

We would therefore like to hear introductions from anyone who has requested to speak and be heard today. Whoever whether it's on their own behalf, or representing another person or organisation, we would need to know your name, the person or organisation that you're representing and your role if that is applicable. If you have told the arrangements conference that you wish to speak, we will verify that with you as each introduction is made, and briefly confirm the items that you intend to speak on.

12:14

This event is using technology to provide captioning, known as subtitles to allow those who need such to understand what is said this works best when we speak clearly and relatively slowly. So could we take that into account when we speak please? Could I start by asking therefore who is here representing the applicant please?

12:42

Good morning sir.

12:44

My name is Julian boss will be Oh SW all of Burgess salmon. We are the solicitors advising national highways as the applicant. Sitting next to me is Michael Goddard who's the project director and also in the room but off camera, our other colleagues from national highways error and purchase some.

13:08

Thank you very much and welcome to well.

13:14

We'll move on to interested parties. I understand that the local plan authorities have been jointly represented. Could I ask who is here representing the local planning authorities please?

13:27

Hi, it's Michelle spark and I'm representing Gloucestershire county council, Cotswold District Council and Tewkesbury Borough Council and alongside me and acting for them is Benjamin Noach of Atkins.

13:43

Thank you very much, Mr. nowt.

13:47

Yep. Good morning. My name is Ben Mouch. I'm a town planner Atkins. Atkins are representing the joint councils.

13:56

Thank you very much, and welcome to both.

14:00

I understand there are representatives here from Historic England who may wish to speak if necessary. Can I ask who is here on behalf of Historic England please? Good morning, sir. My name is Helen Robinson from Womble bond Dickinson here today on behalf of Historic England. I'm also joined by my colleagues, Melanie barge and Andrew Wiseman. And I'll ask them to introduce themselves.

14:26

Thank you.

14:27

Thank you. So my name is Andrew Weissman. I'm the General Counsel at Historic England, although we will be represented throughout the proceedings, by what by Helena pond Dickinson and I also have with me my colleague, milpark who will introduce herself.

14:47

Good morning. Good morning. My name is Mel barge on the spectrum ancient monuments with Historic England.

14:54

So, thank you very much and welcome to all the other person I've got

15:00

registered to speak today is Mr. Tim Knox. Are you there? Mr. Knox? Yes, I am. I'm just a villager in Cali myself. So that's who I am.

15:13

Okay, thank you very much and welcome.

15:16

In terms of speakers, and the introductions are now complete, I believe for all those who registered to speak.

15:24

Is there anyone else who had made it known to the arrangements conference that they wish to speak today?

15:35

Okay, nothing heard, just to be aware, then that a number of parties have registered to attend and observe this preliminary meeting, and they are in a nonspeaking capacity.

15:46

Before we move on to the second item on the agenda, does anyone have a burning question of an introductory or preliminary nature that needs to be resolved now, and will not arise under any other agenda item for today's meeting?

16:05

Okay, nothing heard. Thank you very much. Thank you for this. Thank you for those introductions. I will now hand back to Mr. Stone to take you through item two on the agenda.

16:17

Thank you very much, Mr. Wallace. So if we move to the agenda item two, I will make some comments about the virtual preliminary meeting process. When a preliminary meeting is held with all participants present in the room, the examining authority uses visual cues to recognise manage and invade oral contributions and event like today's that is not possible. And we will require a more structured approach. But as folks are meeting Mr. Wallace or I will introduce items and turn and invite each person to speak at the relevant moment, as you have indicated when you did the joining arrangement, and in the context of the introductions just made.

17:00

I see that we've just got a new participant who has joined us.

17:06

If that's Mr. Ajit could ask you to turn your camera off and to turn your microphone to Silent please.

17:17

I'm not sure if he has heard me. But

17:22

I will proceed in any case.

17:28

Just to confirm that we have your information of those parties who are wishing to speak and NASA's just been confirmed by Mr. Wallace. And we will call you at the appropriate time. If any parties

17:43



experiences any technical issues which prevent them from speaking at the time that they wish to. Then

17:51

hopefully the case manager will inform me and we will do our best to ensure that they are heard before the close of the meeting.

17:59

Also, I would draw your attention that you can comment in writing before this following this session by making submissions in the usual way to the project email address. All submissions must be received by a procedural deadline B which is Wednesday the 10th of November.

18:16

While submissions whether made orally today or in writing before the procedure deadline will be given equal consideration.

18:24

I would also ask you that you please wait until you are invited before you start to speak and remind you that each time you speak please introduce yourself by name and organisation.

18:36

The examining authority needs this to verify the correct person speaking and to locate the submissions that you have made. It also assists any party wishing to follow up with a written submission in response to your representations

18:51

to assist the examining authority and help the smooth running of the meeting speaker should ensure that their points are relevant to the agenda item at hand and be polite to the speakers

19:02

and do not interrupt please.

19:06

An examination is issue based and therefore if someone speaks before you and put to point that you agree with there is no point for you to repeat it. It is sufficient to say that you agree with the point made by the previous speaker. speakers who repeat matters that have already been put will be asked to move on to their next point. speakers who interrupt or are discourteous to others will be warned. In such circumstances, it's important to be aware that an award of costs can be applied for a mere against the person who's behaving unreasonably, and that repeated interruption or disruption of this meeting after a first request to stop is in principle deemed to be unreasonable behaviour.

19:48

If you continue to interrupt or be Discard is following up warning, then I may ask that you are removed from the meeting.

19:57

I anticipate that some participants may wish to follow

20:00

work on points that are raised here today. So I will adjourn at the end of today's session and provide a period for written submissions to summarise the points that are raised, and to comment on those made by others. The preliminary meeting will reopen on Tuesday the 16th of November.

20:17

And during that, we will consider any written submissions that we have received. It is important to make all of your substantive points today however, or in writing, and not to leave any important matters to the reconvene meeting. If no matters are raised, the power to meeting may not be deemed necessary, and the preliminary meeting closed in writing.

20:47

Your opportunity to make written submissions extends to participants who are watching or listening to the published digital recording who wish to respond to the oral submission oral submissions that date here.

21:01

All such written submissions must be provided by procedural deadline be in the examination timetable.

21:07

And I will remind you that that is Wednesday the 10th of November. The meeting is being held in Microsoft Teams platform. If a fully active participant using the team's platform wishes to make any additional unscheduled contributions. They can use the hands up function if they haven't.

21:27

But please be aware that sometimes this is delayed in terms of receiving that notification. If you don't have the hand up function, or telephone participant, you can indicate a request by saying your name in an appropriate break in the proceedings. In both cases, please wait until invited to make your contribution as an alternative will encourage you to use the written process for following up anything if at all possible.

21:58

As an additional point, the planning Inspectorate has published an advice note 8.6 entitled virtual examination event, and that's on the national infrastructure webpage. This largely replicates the advice that we have previously published on frequently asked questions. No This has been published. We would ask that you familiarise yourself with this, as we will be following the advice going forward.

22:25

Does any event does anyone have any questions that they wish to put about the technology or participation?

22:36

I see no further indication. So I'll pass over to Mr. Wallace to take us through remarks about the purpose of the preliminary meeting and the examination process.

22:48

Thank you very much. I will have a few remarks about the examination process now providing a summary of the key points about the purpose of today's meeting, and the examination process that will follow it. As previously mentioned, most of this is set out in great detail in Annex B to our rule six letter of the 30th of September 2021. Please do read this carefully if you already haven't. So firstly, the purpose of the preliminary meeting is being held to discuss the arrangements for the examination of the application for an order for development consent for the A 417 Missing Link project, which is a nationally significant infrastructure project.

23:33

This preliminary meeting focuses on the process only, it will not be looking at the merits of the proposal. So therefore questions, discussions and representations about the advantages or disadvantages of the proposed development or for the examination itself. And this will begin the day after the close of the preliminary meeting. You'll find information about the application and in due course, any documents produced for the examination on the planning Inspectorate national infrastructure website.

24:06

The addresses set out in our rule six letter.

24:10

Proposals for the examination are also set out in that letter. And this preliminary meeting is your opportunity to influence that process that the examiner 40 intends to follow during the course of the examination.

24:24

In summary terms, the meeting will establish the procedures and timetable for the examination. It will just set a framework of the examine authorities task which is eventually to produce a report to enable the Secretary of State to consider and decide the application. We will do this by identifying relevant policy and examining the application in light of it.

24:49

Now wish to make a few words about the remainder of the examination process after today.

24:56

The examination will commence once this preliminary meeting has closed

25:01

Since the examination process is primarily a written one, representations made in writing carry equal weight to any representations made orally, examination will take an inquisitorial approach, as opposed to an adversarial one. And what that means is that the examining authority will probe test and assess

the evidence of all parties, primarily through written questions. cross examination of witnesses by other parties will not be allowed.

25:32

The draft examination timetable includes numerous opportunities to provide evidence in writing. The timetable is set out in Annex D of the rule six letter, and we'll come to that in more detail later in the agenda.

25:46

following the close of this meeting, the examining authority has the discretion to make changes to the examination timetable, and if possible, events will be arranged for times when all relevant parties are available. However, the examine 40 is under a legislative duty to complete the examination by the end of a period of six months, beginning after the close of the preliminary meeting. Therefore, whilst we will try and accommodate requests, in practice, there may be very limited scope to alter the date set in the draft examination timetable, given the uncertainties that remain about holding face to face hearings, later in the examination, we have tried to retain as much flexibility as possible in the timetable.

26:33

I will now mention for the benefit of everyone here, some of the events that may take place during the course of the examination.

26:42

And examination usually contains some hearings. And the timetable includes provisions for these in blocks of time.

26:51

Witnesses are invited to speak and the hearings are used by the examiner authority to gather and test oral evidence. There are three types of hearings, these are

27:03

an open floor hearing. For any registered interested party that requests it, they can make all representations about the application, if they believe it to be preferable to restricting their representation to the written form, although as I've said both carry equal weight.

27:21

Secondly, as the applicants draft development consent order provides for the compulsory acquisition of land and rights. Registered affected persons whose land rights are impacted are entitled to be heard compulsory acquisition hearing.

27:38

Finally, the examiner authority has discretion to hold issue specific hearings, if they offer an opinion that would aid the examination. And there is a specific reason that this would be more helpful than reliance on a report written evidence alone in respect of certain issues or issue.

27:59

The examiner her for it may hold an issue specific hearing on the draft development consent order. But I must iterate that this is normal practice. It will be held on without prejudice basis. And parties can suggest modifications or amendments to the draft development consent order provided by the applicant without prejudicing their overall position on the application.

28:25

Now, we have put reserve days into the examination timetable to identify when it is anticipated we will hold these events and these are identified in January and February. We can discuss these further when we discuss the timetable in detail in item four of this agenda. At this point, we do not know what issues will be particularly contentious and it will be difficult for us to set the programme clearly. We aim to do so and set out the programme and what topics hearing this will cover issues where I'd like to interrogate further as far in advance of the hearing dates as possible.

29:02

In respect of the open floor hearings guidance under the Planning Act 2008. From the former Department of Communities and Local Government, and the infrastructure planning examination procedure rules 2010 provide that it is for the examining authority to probe test and assess the evidence for direct question of persons making all representations at hearings. Questioning at such hearings will be led by us as the examining authority. Cross questioning of the person given evidence by not enough a person will only be permitted if the examining authority decides it is necessary to ensure representations are adequately tested.

29:44

interested persons should note that this is not normal procedure at an open floor hearing for the examining authority to permit costs questioning.

29:54

The normal arrangements at physical open floor hearings is that participants are given a maximum

30:00

have 10 minutes to make their representations. Please remember, if you are unable to make the points that you wished in the time allowed, then you can follow up your oral case in writing at the appropriate deadline.

30:13

hearings will usually be held face to face. And we'd hope that for this examination, face to face events will be possible to be convened at venues local to the project area. However, they may also need to include a partial element of virtual participation in a so called blended format. In order to allow and enable inclusion for all participants. We must also be resilient in case the government's COVID-19 restrictions change, and we need to revert fully to virtual events. We need to ensure that virtual events are planned at least on a contingency basis. Should the situation changed and prevent a planned physical event from taking place. We will aim to notify you as soon as possible of any procedural decisions in that regard.

31:03

I must also say that an examining nation includes site inspections. There are two types of site inspections in an examination such as this. These are known as unaccompanied site inspections, and accompanied site inspections.

31:20

The purpose of the inspections is to allow the examining authority to see the features of the proposal. Within the context of the evidence put forward. We have already undertaken an initial unaccompanied site inspection and notes of this have been published on the project page of the inspector its national infrastructure website, it is likely that we may undertake further and accompany site inspections in due course.

31:46

Normally, there are also accompanied site inspections to allow the examiner authority to enter and view land to which there is no public right of access, or from which no clear view from nearby locations is within an area on the public domain.

32:03

The draft examination timetable includes the deadline for the submission of suggestions for prospective locations by interested parties. This is deadline one, which is Tuesday the 14th of December in the draft examination timetable. The purpose of accompanied site inspections is familiarisation and no discussions on the merits of the proposed development would be entertained.

32:30

However, due to COVID-19 restrictions, a conventional accompanied site inspection may not well be appropriate

32:39

and accompanied visits from public accessible locations are preferred in that instance, and can be visited at any time. We do appreciate that there may be some places that we could not visit as public access is not available. If a conventional accompanied site inspection is not possible.

32:59

For example, following the receipt of comments from interested parties that places that they would like us to visit, we would undertake an access required site inspection to enable access to the land without coming into contact with relevant people.

33:16

In any event, we would publish our proposed schedule for the accompanied site inspection or accompanied site inspection around a week before the visit, so that anyone who wanted to could make comments as to what they would like us to specifically say before we visit the site, so we could make sure that we saw those elements if there were any such commenced and these were deemed to be provided a couple of days after the shedule was published.

33:42

Advice now 8.6 on virtual examination events are also discussing the possibility of virtual accompanied site inspections. This provides an alternative way of proceeding with the site inspection using various visual media including plans drawings, photo montage, his videos or drone footage included in the application documents,

34:10

plans, drawings and video or drone footage included in evidence provided by the applicant and by other interested parties, live video footage and Google Earth.

34:23

Consequently, if on the assumption that a formal accompanied site inspection was not possible, there are alternative methods that the examining authority could undertake further site inspections.

34:36

We would therefore particularly welcome comments about these alternative approaches. We'd ask that you do so in writing by procedural deadline B, which is the 10th of November 2021.

34:49

Should matters change and a conventional accompanied site inspection be possible later in the examination process? You will be aware that we have included potential dates in February next year.

35:00

To allow that to happen.

35:02

At the conclusion of the examination, we will provide a recommendation report to the Secretary of State for Transport, who will consider the evidence, review our recommendation, and will make a final decision on the application.

35:17

That concludes the key points that I wish to raise about the process today. Please do read Annex B of the rule six letter for further detail.

35:26

Before proceeding any further, does anyone need clarification on these general matters, that will not be covered again by later agenda items.

35:39

Okay, nothing heard are then we turn now and hand over to Mr. Stone for Agenda Item three on our agenda, which is the initial assessment of principal issues. Thank you.

35:58

Thank you very much, Mr. Wallace. If we just have the agenda,

36:05

displayed again, very quickly, so we're not on Agenda Item three, which is the initial assessment of principal issues,

36:13

I would ask you to refer to Annex C of our letter and I will ask that the case team actually display that night.

36:27

If your technology doesn't allow you to see the list on the screen, clearly, then please refer to the hardcopy or to Annex C of the real six letter of 30th of September that we sent to

36:38

Section 88. Subsection one of the Planning Act 2008, as amended, requires the examining authority to make an initial assessment of the principal issues arising on the application. For those of you who have our copy of our rule six letter, as I say it's set out in Annex C.

37:00

Before we look at the any of the detail of those principle issues, I just want to make three points. Firstly, the principal issues have been complex compared alphabetically, and not in any order of importance.

37:16

Secondly, this annex is neither a comprehensive nor an exclusive list of all principal issues. It is an indicative list as we start the examination, but it does not determine the scope of the examination, it will inevitably be the case that other relevant issues will arise during the course of the examination. And those other issues will be considered and examined thoroughly. When that happens. Equally, issues on the list may turn out to be not as important as they first appear.

37:54

The initial principal issues identified by data examining authority are set out in Annex see on the screen, you've got the headline issues.

38:04

And within the context of Annex C, if you have a copy of that, you will see that there are sub headings as well.

38:13

It's not my attention to read out all of those issues, you can see them they're in alphabetical order.

38:24

I would also remind you that we're not here today to discuss the merits of the application.



38:30

And so therefore, any comments should be focused on the principal issues and how the examination should revolve around those. The list will provide a framework of issues for the examination going forward, though, it does not preclude us from amending the list by removing or adding to issues later in the process

38:52

in the context of those parties who had identified or wish to speak on this matter, but specifically, I had one request to speak. And I will turn to Mr. Knox on that matter shortly.

39:10

If any suggestions are made, for amendment, we will obviously give those consideration and come back to those at the end of the preliminary meeting either in preliminary meeting Part Two, if that's required, or in the context of our release letter.

39:29

Examining 30 may have questions and I will also give the applicant the chance to speak at the budget at the end of the item.

39:37

Mr. Locks. Do you want to tell me the points that you wish to raise on this?

39:43

Yes, so just speaking from an accounting point of view, under the traffic and transport would vary by cue to look at the impact of COVID noting that a lot of this was all done

40:00

ought to the pandemic that we've all been going through. And so we'd like to to make sure that you look at the COVID implications, especially the closure of the Honda factory in Swindon, which obviously uses a just in time strategy, which would have produced an awful lot of Trent transport on the route. And also the weather conditions, which I, I note weren't very favourable when you've visited the site in September, which is actually a very a good day that you visited, because that is quite the norm through the winter. So that would be a very important thing for you to assess. And then also on the on the landscape side, obviously, we've got 20 states happening at the moment. There are things coming out of there that I think should be considered when you're considering all the detail in the in the proposal.

40:59

That's all I'd like to add, please.

41:03

Okay, Mr. Knox, thank you very much. In effect, a number of those were matters around the merits of the case, and what issue should be addressed whenever considering the merits, in terms of the traffic and transportation item, which was nine in that block list, we see that we have had some headings related to the case and benefits for the scheme, strategic vision, adequacy of the baseline, adequacy of

the modelling effect on the existing road network, those are all matters which we will take into account. And obviously, in terms of the fact that there are a number of issues within those that need to be taken taken account of the matters that you realise are relevant within those, it would be open to you in terms of your written representations, which can be provided at deadline, one for you to make any comments around those issues, and draw particular attention to those. And then the applicant would obviously respond in their responses to Deadline one. But thank you very much for your comments. And we shall take those on board.

42:17

Having heard from Mr. Knox

42:21

I don't believe that I've got anybody else who wished to indicate that they spoke on that matter. I don't think that there's anything particular so I would turn to the applicant and ask, have they got any response that they would wish me to take account of?

42:41

No, sir, nothing to respond.

42:47

Thank you very much.

43:01

In that case, if there's no further issues about the principle issues as they arise,

43:06

if anybody does have any other issues that arise, then please put those in writing before procedural deadline B, which is Wednesday, the 10th of November. Thank you very much. Not case, I will now hand back over to Mr. Wallace, who will take us through the next agenda item.

43:28

Thank you very much.

43:30

It would be useful to have the examination timetable on screen for this agenda item please if that can be shared?

43:42

Yes, give a few moments for that timetable to come up.

43:52

And just to repeat that when the timetable comes up on the screen, if your technology does not allow you to see the draft timetable, clearly, you can find it as Annex D to our rule six letter 30th September 2021.

44:09

Firstly, we propose to deal with the overall structure of the examination timetable, including discussions over dates and the specific deadlines in the timetable. The top draft timetable was provided as an appendix to the rule six letter and is displayed on the screen now. We do have some speakers have requested to speak on this agenda item. I will come first to

44:39

the representatives of the joint councils in this understand you wish to speak on that and the timetable. So Miss Barker, Mr. nowt

44:51

The floor is yours.

44:53

Thank you, Michelle spark from wakemans representing the joint councils and we have cancer

45:00

With regards to and deadline to the fact that it and I'll wait for you to bring that up on the screen. And the fact that that expires on the sixth of January, there's a concern from the council's and all the counsels team, including its external advisors, that that impedes on the Christmas break. And the suggestion put to the applicants was that deadline to be pushed back by one week. And all deadlines pushed by one week until deadline for commencing as normal at deadline five. That is to allow

45:39

accountability for the Christmas period. And annual leave that will obviously be taken out that time. That's the council's view and I think when endorsed by the applicant, but obviously I'll let them speak for themselves. Thank you very much.

45:56

Thank you very much for that, and in which case, I'll come to the applicant. Next. You shared concerns about that deadline to.

46:08

Yes, Julian Basile for the applicants, we've set out that same position in our letter of the 22nd of October, which I imagine you've had a chance to, to look at. So yes, we are asking for the same one week delay in the in the deadlines that shall Spark has just referred to.

46:31

Okay, thank you very much for that. So just to confirm, that'd be pushing deadlines back. But deadline five would be as normal. Just thinking aloud. I'll come to the to the the applicant first.

46:51

If if we were able to make that change, no guarantees this time in considering that change. That would make notifications for the first round of hearings at the end of January, sort of overlap with the Christmas period. Do you see any particular issues with those notifications going out from your perspective?

47:18

No. We can cope with that.

47:24

Thank you very much. And Miss bark. Do you wish to comment on that as well?

47:30

Thank you. We agree. Thank you.

47:35

Okay, thank you very much for that.

47:40

We do appreciate it is all very tight, particularly around the Christmas period. We have built some flexibility into the timetable. And we do recognise the additional pressures caused by the COVID-19 public health restrictions.

47:57

We appreciate the efforts being made of all parties to support the examination. We'll take that into account and be as sympathetic as possible within the constraints placed on us by the statutory time limits. I am aware that a hand was raised by a lady called Helen Robinson would Is there anything further you wish to add on that? Helen Robinson and Womble bond Dickinson on behalf of Historic England nothing further other than to say we support the council's position and that position as proposed by the applicant in their letter of the 26th of october so we would equally support that slight adjustment in the timetable.

48:43

Thank you. Thanks for for confirming that.

48:48

Does anyone else wish to make any further comments on the deadlines are the programme of the examination timetable as set out today?

49:05

Okay, thank you very much nothing heard. If any party does have any further thoughts or reflections on today's

49:15

discussion, they can be submitted in writing before procedural deadline be.

49:22

Moving on within this agenda item to the dates and formats for hearings, and for accompanied site inspections. I have already covered perspective dates earlier in the agenda. The only point that I'd wish to emphasise at this stage is that we are seeking to hold all hearings

49:42

as blended events involving face to face meetings in a local venue that's local to the project area with virtual elements as necessary to accommodate those parties who cannot attend in person. We will of course need to revert back to fully

50:00

virtual events if public health concerns arise, we'll give as much notice of this as possible. So therefore, ask if you want to be aware and fully receptive to virtual events. If that situation arises. Does anyone wish to speak either on the date or the format of hearings? As in the draft timetable, subject to what we've just discussed?

50:27

Okay, nothing heard. Thank you very much. Now, as you have heard, we may we have already undertaken an unaccompanied site inspection. And we'll undertake more if we quit choir or believe it necessary to do so. We hope that we'll be able to undertake some form of accompanied site inspection or access required site inspection during the examination, that this will be subject to any public health restrictions in force at the time. We reserved the ability for virtual site visits to support the examination as referenced to earlier and which advice is approved and advice no 8.6.

51:04

There's any speaker wish to raise any further comments on that at this time?

51:14

Okay, thank you very much, nothing heard. We have no further requests to speak on this item on the agenda, but does anybody else have a point to raise about either the dates and the formats for hearings about the dates formats for site inspections, or indeed the structure proposed structure of the draft examination timetable as it stands?

51:42

Again, thank you very much, nothing heard.

51:46

I will just reiterate for those who are watching live stream and who wish to make comments if they wish to do so. If any interested party wishes to raise these matters that can be done in writing before procedural deadline be, which is Wednesday the 10th of November 2021. We have suggested earlier that comments or thoughts on the alternative approaches to company's site visits, either through access record or virtual site visits would be welcomed by that date as well.

52:18

Mr. Stone will now take us back through to the end of the agenda. Mr. Stone

52:30

Thank you very much, Mr. Wallace.

52:34

So turning to agenda item five procedural decisions taken by the examining authority

52:40

will six letter sets or the summary of various procedural decisions which have been taken by the examining authority, and these are set out in full in Annex E to that letter. Included within this item are statements of common ground submission to local impact report, written representations, as well as deadline for notification by statutory parties have their wish to be considered as an interested party, or request for low resolution plans and document and drawing attention to the Validation Report on the draft development consent order submitted by the applicant and an additional submission that was received.

53:18

Since the publication of the rule six letter a number of representations have been received from local residents. And once these are outside the relevant representations period, the examining authority has decided to accept these as additional submissions, as the examination had not yet commenced. Although accepted as additional submissions, they were received after the close of the relevant representations period. And therefore those parties are not given interested party status in the examination,

53:47

or commentary of art before the examination and will be taken into account.

53:53

Examining authority

53:55

to emphasise will not accept further representations unless there is exceptional justification. And we request that all participants in the examination, abide by the appropriate deadline for submission of material to ensure that a fair and efficient examination process.

54:16

I don't have any particular requests to speak on this matter. I note the comments made in respect of this difference of common ground and in respect of other matters that were raised in national highways. And will obviously, we see how you're proposing to respond to our request for

54:40

statement of common ground in respect of those matters, or those parties which weren't covered. So yes, we are giving consideration to those issues. And we see the position that you have adopted Thank you very much for that. But does anybody have any particular issues that they wish to raise on those procedural decisions that have been taken by the

55:00

authority. And I apologise I don't have a, I can't work out how to raise my hand on Microsoft Teams. But I have a question.

55:10

Do you just want to identify yourself and yeah, it's gonna

55:16

shoot yourself in the camera. Tell us who you are and tell us who you represent.

55:21

Hi, I'm Martin Horwood. I'm borough councillor in Cheltenham, but I'm representing leckhampton With Warden Hill parish council on this occasion. And I also need to declare an interest that I'm also a trustee of Gloucestershire Wildlife Trust. I think it's also made representations. And I just wanted

55:39

to take quick, quickly, you asked at the start, Could you could you talk slowly, and the Paris consulate your your you said you're presenting his leckhampton with Warden Hill,

55:53

which is a parish in Cheltenham, just downhill of the

55:59

site.

56:01

And you're a councillor for which Council sorry, and I may Cheltenham borough councillor and cabinet member just for transparency. But I'm speaking in my capacity as a parish Councillor on leckhampton, with Gordon Hill parish council and representing the parish council. Yes, thank you. And the other thing I just mentioned, again, just for transparency is that I'm also a trustee of Gloucestershire Wildlife Trust.

56:31

Thank you very much. And you have an issue in terms of the procedural decisions that we have issued? Yes, it's just relevant to what you just said about the deadline for substantial representations. The rule six letter

56:48

says that

56:51

whether or not you attend the preliminary meeting, although I am doing, if you are an interested party, you can make a written representation and comment on the written representations made by other interested parties during the examination. Yes, but it from the comments you just made. And forgive me, if I'm unfamiliar with the process,

57:10

it sounded as though there was a kind of, there might be some cutoff point for any to raise any substantial points. So for instance, we have concerns about some of the modelling on local traffic. So could we make a a statement of concern or a representation during the examination on that topic? Or is there some

57:32

would we be then told that that would be out of time?

57:37

The issue is that as an interested party, if you have already made representations during the relevant representation period, then you will be accorded status as an interested party, and that you can then make written representations which expand upon the matters that you have identified in your written representation? No, I don't. Apologies, I don't recognise your name as a person who has identified a relevant representation. And I'm not sure whether or not we have received a relevant representation from the parish council that you are referring to as such. And so the question will arise as to whether or not you're actually an interested party in that respect. And if you have interested party status through access to a no an organisation who is either the local one of the local councils or as one of the relevant representation period, or one of the parish councils who have been identified, then it may well be that you can use that opportunity, but those matters should already have been identified. The examining authority does have discretion to accept additional submissions, but normally we will

59:01

keep that to a minimum because there is a process and a fairness issue that needs to be dealt with, we did identify at the start of the process, our

59:12

initial assessment of principle issues and that includes traffic and transportation and that includes within it consideration as to the relevance and acceptability and appropriateness of the baseline modelling that was undertaken and in terms of the impact and effect on local road network. So those issues are before the the authority in terms of that as to whether you as an individual or you as a representative of an organisation that will depend on your status as to whether or not you have

59:51

engaged with the examination at the appropriate time.

59:57

Right, okay, I may have to follow up



1:00:00

I don't want to delay the meeting to I'll just I'll by email and establish on status and yes, but but obviously we were expecting based on the rule six letter to be able to participate. So

1:00:13

but let's say I'll follow up offline. See, if you received a copy of the rule six letter to your particular organisation or individual that rule six letter was sent out to interested parties, we assumed we were an interested party. So if you've received that, and you will have,

1:00:32

as I said, I didn't recognise the individual name, but it may be that it's through parish council or something of that nature. So if you've got a relevant representation,

1:00:42

and you've

1:00:44

got some other form, then that may well be how you adopt that. But as far as I'm concerned, my understanding is that I don't recognise your name, as an interested party would recognise my name that gets the parish council we are. But if there's something to that, then yeah, we can follow that up offline. Thank you. Thank you.

1:01:09

Okay, thank you very much for that, if you want to just turn your camera's microphone off. And does anybody else have any other observations about the about the procedure decisions that were taken?

1:01:22

So, Julian, Basco for national highways? Just to say, but um, yeah, in terms of your discretion in allowing the parish council just spoken for to be participating in the examination, national highways would have no objection to you exercising your discretion to allow that.

1:01:47

Thank you, that's very helpful.

1:02:03

Okay, thank you very much I haven't received or seen any hands up or any identification that anybody has any other issues to raise. So in that case, I would remind that if any interested parties any thoughts or reflections, which they want to submit in writing, then please do so by procedural deadline B, which is Wednesday, the 10th of November.

1:02:26

Now case, that concludes item five on the agenda, which leads me then to move to item six, which is any other matters, just to wrap things up.

1:02:37

I have no other matters to raise.

1:02:40

This is your final opportunity to raise any pertinent matters. But before I come to any other participants, I just like to ask Mr. Wallace, if there's anything he would like to add.

1:02:52

Thank you, Mr. Stone. I have nothing further to add at this juncture. So please continue. Thank you very much.

1:03:00

As I said, we've got no issues identified. I have got one hands up from

1:03:09

one participant. Let me just check on that. Is that

1:03:15

Ruth Claire?

1:03:18

Thank you, sir. And Ruth Claire from the Environment Agency. It's just a clarification, please. What happens in the event of during the process of the examination and EU policy or set of guidance or mainly around planning policy, I suppose. But I'm mindful that there's many things the government are considering at the moment and the long timescale through which these nationally significant infrastructure projects are determined. What happens if during the time a really significant material a piece of policy is updated or changed?

1:03:53

How does that play out in terms of the examination process? Please? Thank you.

1:04:01

hypothetical question. And we will deal with it when it arises. But there is obviously the opportunity, if it arises before any of the hearings, but it might be relevant to be raised at those hearings. If we're having an issue specific hearing on a matter which is affected by new policy, then it would obviously be appropriate for that in the report that we have to provide to the Secretary of State we have to identify all relevant matters. And if there is a new policy that is adopted, and again, its status will be dependent on what how far down the line it has reached as to whether or not it's draft or whether or not it's fully adopted or, or what that is, but certainly if there's a relevant matter that there there will be opportunities during the examination to raise such as tuition for us to receive comment on those we have got various deadlines for written representations, in response to our written questions. If we need further round of written questions to

1:05:00

We will issue those and obviously if new or amended policy guidance comes out during that process, then that would obviously be relevant for us to ask an additional question for but it would certainly be a matter that is a relevant matter to to address if it arises. And we will have to address that as it comes about.

1:05:23

Thank you very much.

1:05:26

I'm not sure Mr. Wallace. If you've got anything that you wish to add? No, no, I think I think you dealt with that quite succinctly. Thank you.

1:05:34

Okay, thank you very much.

1:05:37

In that case,

1:05:39

the applicant have anything that they wish to conclude with or odd

1:05:46

No, nothing from us sir.

1:05:49

Okay, thank you very much.

1:05:51

Now case, I have got no other matters should we shall move on. I

1:05:57

just like to thank you all for your contribution.

1:06:01

very much look forward to the examination and working with your during this examination may remind you that the recording of the proceedings today will be made available as soon as practicable on the inspectorate website. final reminder, any written comments on today's meeting must be submitted before procedural deadline be, which is Wednesday the 10th of November. We will consider these practices resumption of the preliminary meeting.

1:06:28

May we also remind you that the next stage will be the second part of the preliminary meeting on the 16th of November, which will be followed by issue of our rule eight letter setting out the final timetable,

and any other procedural decisions that we have made as a result of the preliminary meeting, and further consideration of the examination. It is our intention to publish our first set of written questions alongside the release letter. This will be as soon as practicable following the close of the preliminary meeting. But we're aiming this to be on or before the 23rd of November 2021.

1:07:04

That being the effective end of today's meeting, that completes our business for today. As such, the preliminary meeting is now adjourned until Tuesday the 16th of November 2021 at 10am. Their arrangement conference will be at 930 Prior to that, thank you all for your patience and participation today. Thank you very much. Thank you