

AUDIO_A1iN_OFH1_Session1_22022021

Mon, 2/22 11:25AM • 1:11:42

00:04

Well, good morning. Can I just confirm that everyone can hear me clearly?

00:08

Yes, yes. That's good. Thank you. Can we also confirm with Miss pattern that live streaming of this event has commenced?

00:17

And I can confirm that the live stream has commenced. Thank you. For those people watching the live stream, can I advise you that should we attend the point to join proceedings this morning. This morning, we will have to stop the livestream in order to give us clear recording files. As a result at that point, which we recommend the meeting to restart the livestream. You have to refresh your browser page to view this restarted stream. I'll remind you this again, should we need to adjourn.

00:52

So the time now is 10 o'clock and time for this meetings begin. I'd like to welcome you all to this open floor hearing for the application made by highways England for the a one in Northumberland. More swelling in

01:07

the development proposed comprises two parts, with Part A being the widening of existing single carriageway to dual carriageway for approximately 12.6 kilometres of the existing Awan between more person Felton

01:23

includes approximately 6.5 kilometres on line widening and 6.1 kilometres of new off line highway.

01:33

Popping those the widening of the existing single carriageway to chill carriageway for approximately eight kilometres the existing a one between Anika Nelligan

01:45

thank you for attending this virtual meeting.

01:48

My name is Kevin Gleason. I'm a chartered town planner.

01:53

I'm a planning Inspector, employed by the planning Inspectorate and have been appointed by the Secretary of State for housing Communities and Local Government to be the lead member of the panel to examine this application.

02:08

I'm now going to ask my fellow panel member to introduce himself.

02:14

Good morning. My name is Andre Pinto, and I am a chartered town planner in the planning Spectre employed by the planning Inspectorate. I have been appointed by the Secretary of State to be a member of the panel for the examination of this application.

02:32

Thank you. Together we constitute the examining authority of this application and will be reporting to the Secretary of State for transports with a recommendation as to whether development consent order should be made.

02:47

You will have already spoken to and heard from Candice Patton, who's the case manager for the projects. Miss pattern is being supported today by James Robinson, and George Harold who are members of the case team you're likely to come into contact with during the course of examination.

03:06

If you have any questions or queries about the examination process, or the technology we're using a virtual events, they should be your first point of contact. their contact details can be found at the top of any letter received promise on the project page at the national infrastructure websites.

03:25

We appreciate the conducting and events in this way isn't ideal. But please don't hesitate to contact a member of the case team. If you need any help with the technology.

03:36

This meeting is being held on the Microsoft team's platform who's being live streamed in order to minimise background noise, can you please make sure

03:46

that your phone is switched off or is turned to silent and you stay muted unless you're speaking?

03:53

As this is a virtual meeting, we structured it in such a way that questions or points that you may wish to raise can be done. So the relevant points in the proceedings, when we get to those points is that if you want to speak you use the Microsoft team's hands up function. And please wait to be invited to speak or asked to speak at the appropriate time.

04:16

Also, the chat function on Microsoft Teams won't work. So please don't try to use this to ask any questions or post comments.

04:27

I don't think we have any telephone participants today. But if we do you should clearly state your name if you wish to make a comment. Once you've indicated that you wish to speak please wait stay invited before you make your contribution. And please speak loudly and clearly.

04:46

Because the digital recording so we make retains and published a form public record that can contain your personal information and switch general data protection regulation applies

04:58

the planning Inspectorate

05:00

practice is to retain and publish recordings for a period of five years from the Secretary of State's decision.

05:07

Consequently, if you participate in today's meeting, it's important that you understand that you'll be live streamed and recorded, and that the digital recording will be published.

05:18

If you don't want your image to be recorded, you can switch off a camera

05:22

will only ever ask for information replaced on public record. That's important to relevance planning decision.

05:29

Therefore, to avoid the need to edit digital digital recordings, or we would ask is that you try your best not to add information to the public record that you would wish to keep private or that is confidential. If you feel that personal information is necessary, please provide this in a written document that we can redact before publication.

05:53

Does anyone have any questions with regard to this matter?

05:58

No. Okay, thank you. I'll move on.

06:03

So the formal purpose of the upper floor hearing is to discharge our duty as the examining authority to hear interested parties who request to be heard. That is, it's an opportunity for us to hear firsthand about your thoughts about the application.

06:21

Unlike other hearings, we're not going to ask all people here to introduce themselves at this point. But we will ask individuals who wish to speak to do so when they want to address the hearing.

06:36

And one final points under item one, as I understand was raised during the

06:42

the

06:44

third part of the meeting. If we do proceed much more than beyond an hour, then we will schedule a brief comfort break and do so throughout the day.

06:53

So that addresses the first item on the agenda. Welcome introductions and arrangements for the hearing. Are there any questions of an introductory or preliminary meet nature?

07:13

Okay, on that basis, I'll move on to agenda item two, which is representations by any interested parties.

07:25

So I'm Ixy have our letter of the sixth of January provided notice of the hearings, invited requests to appear hearings, and as to any interested parties wishing to participate in hearings to identify the planning Inspectorate by deadline one, which was the 12th of January.

07:45

by that date, we receive notifications from Mr. garris more, and Mr. McKee of Georgia whites that they wish to attend an open flow hearing. We subsequently heard from Mr. Cohen more as Mr. fell off the top consultancy, the day to wish to attend and possibly participate in an open flow hearing.

08:09

Can I confirm who those names wishes to speak this morning?

08:14

Can I start with Mr. Gareth? Mo. Is he here? I haven't got him on my list actually. cards that we're using present today.

08:27

Sorry, that's Mr. Colin Moore's it spelled that correct. Yes. So I use myself that that's fine. And you wish to speak?

08:38

Yes, I have stuff to say. But yeah, but has a lot of my queries been answered by the responses that come back. Okay. Well, I'll give you an opportunity to speak shortly. Thank you.

08:50

Mr. foul. No, sorry, Mr. Mickey. First from tour Jeff whites.

08:57

Hi, good morning. Yeah, I don't actually have anything to say this morning. I'm just sitting in listening after subsequent and further discussions with highways England.

09:08

That's fine. Thank you very much.

09:12

Mr. fell.

09:14

Good morning. Yes. I'd like to speak please. Okay, that's good. Thank you.

09:20

And is there anyone else who wishes to speak this morning? Apart from Mr. Moore and Mr. Foul?

09:32

No. Okay.

09:34

If anyone does want to,

09:37

then

09:38

please indicates the appropriate points on the agenda. And I can bring you in at that point.

09:45

Mr. Moore, you still have your hand raised on the function.

09:50

If you could remove that be grateful. Thank you.

09:57

So yes, that's gone now. Thank you.

10:00

If

10:03

I set out in the agenda at time guide of 10 minutes per interested party will be applied.

10:11

And then after that we'll ask, we may ask questions ourselves, as the examining authority will then give the upcountry rites of reply

10:23

nominally three minutes free trips and citation given that we only have two people who said they wish to speak, I'm quite happy that if you go on beyond that, then that that's fine. The reason we impose deadlines is when we have many, many people who wish to speak at an open phone. But that doesn't seem to be the case today. So we'll certainly be flexible on these timings.

10:51

So what I'm going to do now is begin with Mr. Moore, if you can set out

10:57

who you are, and

11:00

the general area in which you are interested, without giving away your formal address and make your representations. We'd be grateful then. And as I say, we we may have questions following that, I will give the applicant an opportunity to respond. So Mr. Moore, please.

11:22

Good morning, again.

11:25

I'm calling was I've been introduced, I have an interest in the area from Westview book to Voronezh house, and then to Stratford house, I think it is at the far end.

11:41

Overall, the interest is that is one of CFD. And

11:47

the process that that's been followed the

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street at the moment is a cul de sac. And it's very safe.

11:59

And it's here for children who play and not Street and safe for the residents. Even though at present, there isn't a footpath, footpath and a single track. There was a proposal by the developer when they purchased the land, it was a condition of the purchase of the land that they had to upgrade Westview

12:20

to an adoptable standard, we don't know where it's going to be adopted or not.

12:28

My concern

12:30

is about safety. But I think the biggest worry I personally have is the fact that we're going to introduce agricultural vehicles into that street.

12:39

And I don't think that's necessary. And I don't think it's safe.

12:44

One of the reasons why I don't think it's safe is that if you look at the land, beyond Westview, it's all downhill. And I get envisage farmers during harvesting time.

12:57

Possibly it's going to rain, possibly, they're just up against the light, the harvest, and they're in a hurry to get that harvest, we and I tend to think because it's downhill, they will come down that street quite appears. And there's a possibility of an accident there.

13:15

The report back from the applicant has gone to great lengths to set the standard that the roads been designed to. And I accept that that that's the normal practice. Where I do have a concern is is that I personally don't think I can conform to the CDM regulations.

13:36

CDM regulations put duties on different people within

13:40

a construction contract. Right from the client, the designers, the principal contractor, the contractors all the way through.

13:50

And during the design stage, one of the key roles of the designer is to look and see what the hazards are on that contract on that proposed design.

14:05

The first rule of the CDM regulations regarding design is that you have to eliminate the hazard if it's at all possible.

14:14

And I contend that this hasn't been followed. And the reason why it hasn't been followed is because we're introducing agricultural vehicles into a street. That isn't necessary. Because an alternative route northwards struck our house boutique was we're straight on to the one or the other surrounding roads.

14:38

What really concerns me if you look at the effect of that, if you went north, there are seven houses up there which would have it would possibly affect so there are seven items of risk for want of a better word. If you come South

14:57

you have the 12 dwellings in

15:00

View,

15:02

you have all of the patients

15:07

and staff of the hospital,

15:10

you know, have an additional housing estate, nearing completion by developer for 258 houses, I think. And there are further developments proposed where the land has been sold, ready for development.

15:26

So if you're talking on a lead up, you could get upwards of 800 people who are affected

15:32

by that traffic, that's going to go down that road. So as opposed to 10 people possibly being involved in an accident with a tractor or something happening in that area, as opposed to each one

15:48

of to me the balance of risk is far greater. Taking the tractors down West, you few more days taken north. So I would contend that they have designed risk and danger into the design, not out.

16:08

They've said they've confirmed with the CDM regulations, I think that clearly demonstrates it doesn't.

16:16

And the bit that I find a bit boring is that we have a government department

16:22

going against government legislation, to the detriment of the people of Westview and the others.

16:30

So

16:33

the increased traffic

16:36

from the hubs is reasonable. But we have to remember that that was once a farm.

16:43

And during my lifetime, and quite recently, there was a farm shop there.

16:47

We've got fields, which primarily at the moment seem to be for wheat. But there's nothing stopping that farmer changing it to a different

16:58

form of farming, livestock, perhaps, which would increase the flow of traffic back and forth.

17:05

And I'd one of the preliminary meetings when I asked how many vehicles will be going to the farm, said or even goes over four times a year? Well,

17:18

I watched recently, and

17:21

certainly during the sowing season, the weaknesses in the harvest, and the maintenance of the field. Those visits are a lot more than that. And if we open that up, it then encourages them to change the use. It possibly encourages the farm shop to be opened up again. Anything could happen up above there, and what was a quiet cul de sac then becomes more dangerous.

17:52

Excuse me.

18:07

Sorry, I've lost my school of thought, that's fine carry on, it becomes more dangerous as you

18:14

if you do that.

18:17

It also takes away part of our secure by design, although it was never designed. Our state wasn't designed underneath the guidance of secure by design.

18:29

And some respects it falls nicely into it. It's a cul de sac. One way in one way out, chances of burglars coming in are reduced. And it's something I did extensively after the riots and meta Well, you may remember them in 91.

18:50

My role then as contract manager for that area, was to form cul de sacs take away the rabbit ruins, make it safe by design, give you the individuals defensible space in front of the houses and make it more secure.

19:07

Even with the proposed design, where the applicant has said in his response, that we intend to put a footpath in front of the house, which gives us a little bit more spheres. It doesn't allow me to put gates on one of the houses there.

19:24

So young children, I kind of stopped getting in there or getting out from there. So

19:33

my secure by design of good by default is going to be compromised even further.

19:49

The response I've got

19:52

I didn't find it on the system till yesterday. So I haven't had time to go through all of the responses. And I think the question I've got is

20:00

Am I allowed to make a written response back to the panel? On the replies I've received?

20:07

Yes, you are. Certainly our next deadline, just come on, please carry on. Okay, because there are things in there, one of the things that the applicant has seen is that the alternative route school north is longer.

20:22

From what I do on Google, and measured, it was actually shorter. And I've detailed that in a response to them previously. So that it would save money, it wouldn't be more expensive, I accept that we would still have construction work because the developer has the road to redevelop it in the street. But we wouldn't have all of the traffic associated with building the road, from the top of Westview. To the other properties above. And that's likely to be substantial, because there's a fair bit of Earth removing. That'd be one of the hardcore tarmac, etc, to go in. And all of that would go to Westview. If it goes north, it's all done in open fields, where no one can get to it easily. So it's a much safer route to construct. So don't accept

21:18

what the applicant has said in his reply.

21:22

I think there is a we're there.

21:26

He actually states that his reply to me, you could reply to one suggestion, out of about five I give them. And I only got that, after repeated phone calls to them.

21:39

Admittedly, it was during the start of the pandemic, so it was difficult to get hold of people. And obviously, they will possibly solve the problem at the other end.

21:49

I think there are alternative routes that can be designed, and really should have been designed because we

21:56

have been saving this from the first consultation.

22:00

We've had one design looked at. And to be honest, I get the feeling that was just because I budgeted on to them.

22:11

This process is difficult for me, it's something I've never done before. And there's a wealth of information there. But finding it is very difficult, as well.

22:22

There are a lot of

22:24

anagrams in here.

22:28

Where there's no notification, what the are you going to try and work you don't have to ring up and ask

22:37

what the private road was, I didn't understand that notation for that. So

22:46

that's my main concern that we lose our dependable space and our secure by design port, we're introducing a danger to the street. that's never been there before. Not only just Street, estate and everything below. And if you after the first consultation, didn't know the second one, oddly enough to be trip North tonic come off the Silk Road. And there was a tractor with the roads and the bills.

23:18

The road partly caused, and all the bills have here on the road.

23:24

same week, I think it was a young boy killed it benefit it by a tractor.

23:32

Now that was during the week of the consultation.

23:36

And that just brought it home to me.

23:39

You know that tractor driver, I don't think you've done it deliberately. I don't even know if he's going to fast put it happened. And that could easily happen in the street.

23:50

And that's that's a residential street sodomy and road like this was the chances of fatality are increased.

23:57

So it's for the safety of relatives of mine in that street. That I think that

24:04

certainly agricultural vehicles shouldn't be allowed to go down that street

24:10

and into the hospital and into the increased traffic on the hospital road because of the increase of houses.

24:18

And then that road when it leaves the hospital. There are a couple of sharp bends in it. Then it's a strange roundabout underneath the

24:30

existing year one, before we get down to Vancouver to take you on to the year one, it goes north. It's straight out onto the new junction and can go north or south. And if it's read, I suspect that the journey would be north in any case because most of the silos on North

24:50

most of us want to Switzerland and there's one benefit where the green generally goes to so if it was green, it would be going north in any case

25:04

I did read somewhere that this meeting wasn't about changing the route.

25:12

I'm not wanting to change the route and go against the grain. But I think I've tried so many times to get our message across about the dangers within this,

25:24

that I had to bring into this meeting today to try and at least get someone to see. And

25:32

the other thing that I wonder is, if it was an accident, what will then happen?

25:39

You know,

25:40

what someone then say? Well, the designer could have design that out, and didn't.

25:47

And that's where if you look at the HSE website, since the CDM, regulations came in, they have given the attention to the contractor

25:58

for his part of the works,

26:02

odd months ago, they announced that they were now going to start looking at the designers. And indeed, I think there's been three prosecutions of designers for not fulfilling their duties like that. So it's been stopped because of the pandemic, the Blitz on it.

26:21

But I think they've, I personally think and believe in the HSE have said that they will be looking at all of the designers within CDM in the future,

26:31

I think.

26:34

Although the gentleman who's responded, is very confident is complied from what I can see, I don't think the hours.

26:43

And that's, again, to repeat myself, is brought danger into the equation, not out. And his job is is to eliminate his first duty is to eliminate.

26:57

And he hasn't done that.

27:00

And he has the opportunity to do so.

27:10

I think that's all I want to say at the moment. Thank you for your time. Thank you, Mr. Moore, just to say before I ask the applicant to to respond.

27:21

Clearly, we recognise and we've read both your relevant representation and your written representation. And you said that you don't just see in response to documents from the applicant. I'm presuming that that was the applicant response.

27:42

deadline, three responses to represent representations. Yes. Is that the one you took? Yes. What is natural factoring is taken each point as I've revised it, and is put it in a spreadsheet? Yep.

27:59

Give me like a nice luck to you. Yes, I do. I know the document talking about I think is rep three. Oh, 26. But

28:07

if you've seen that, that's good. But if you do need more time or wish to to respond to the applicants, comments, please do so by deadline for.

28:18

And the other thing I would say is that because of the pandemic, neither Mr. Pinto nor myself have had the opportunity to look at any properties or any aspects of the scheme on site yet, but we will be doing

that. And certainly the area around Westview is an area that we will be looking at during one of the site visits. So that will help to inform us as well.

28:47

Can I now ask the applicants if they wish to respond orally at this point, and also whether they will be following up in written form to the comments that Mr. Moore has made.

29:04

Thank you. Good morning. Good morning.

29:07

Just to remind you and for Mr. Moore's benefit, I am Howard basford. I

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Lister law firm DLA Piper

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in relation to this application

29:23

called Mr. Moore's comments this morning. I have some very brief responses and we will respond in writing to these matters as Mr. Moore makes his submissions We look forward to receiving those are very powerful and very helpful. The first thing to say is in relation to safety. highways England as the strategic Highway Authority for the nation's roads take safety extremely seriously. And housing that is also overseen in a number of respects, which promotes

30:00

Safety, it is licenced by the Office of rail and road, it is subject to the CDM regulations as are the people who carry out design for it. And when a road such as this is in the process of design, it also undergoes what is known as road safety audit. And that is a process which takes place to ensure that the standards for construction of the road and its design are suitable for its intended use. Now, as far as the road in question here is concerned, this is a road which is which would serve following the works, some other residential properties which would be to the north Warren his house and also the agricultural land to which Mr. Moore has drawn your attention. Now, in designing and perfecting the design, which housing islands contractor will now be undertaking should the DCR be approved and then the road safety audits the intended use of the road in question will be in mind. And so, that audit will not be taken undertaken simply using domestic uses and private cars, it will look at the intended use and the types of vehicle that would use the road

31:35

Yeah,

31:40

the state can be a

31:43

Mr bus with your breaking up slightly the design of the scheme and I do do forgiving

31:51

user user and the Secretary of State can be assured

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that in the design

32:03

and then the safety audits that will be taken place

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that will take place the safety

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will be

32:16

will be protected in line with the regulatory arrangements that apply to highways England

32:25

and that the design will be safe.

32:29

The other point that has been raised by Mr. Moore is secured by design and he referred you to the meadow well riots or 1991. that's

32:42

related to

32:44

a an incident in the Thailand where conurbation where

32:53

low standard housing was cleared in the early 90s. And riots took place.

33:00

As so far as we are aware, there is not a particular risk of rioting in the north of Morpeth.

33:08

And so therefore, this is perhaps a matter to which you would wish to apply relatively little weight in your recommendation to the Secretary of State.

33:21

The profile of the security of the residences in this location will not change materially as a as a result of this design.

33:41

Mr. Berkowitz, you're breaking up again. I think

33:48

I heard what you'd said as far as saying the profile of the area wouldn't change. Could you carry on from that point, please?

33:58

think we're losing the

34:01

connection slightly.

34:04

So can you hear me now? I can hear you now. Yes. I was saying

34:09

that if what I heard was

34:14

when you were speaking about the profile of the area, so anything further beyond that, if you could repeat please. Maybe if we if this issue continues by Pierre advisable to turn the camera off, but let's see how we go.

34:36

No, I'm not getting anything. No.

34:40

I wasn't actually speaking. So.

34:43

Can you hear me now? Yes.

34:47

Can you hear me? Yes, excellent.

34:51

So

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I was saying that the risk and to do dirty

35:00

prob file of the I was then going on to say that

35:07

there is further assurance in the CDM regulations

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for their enforcement, I'm just getting my video to try to improve the connection.

35:21

The

35:24

get me to seven says that in relation to the CDM regulations, the fact that they do apply to designers should provide additional assurance, because of course, that means that designers will be the more careful. The next thing I would say is that the

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is that the

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road safety audits that have already been undertaken have not shown any risks that are unacceptable in relation to Westview. And

35:59

finally, to say that the the way that the CDM regulations have been portrayed by Mr. Morris perhaps a little more conservative than their actual wording, the the duty is that risks are addressed so far as reasonably practicable. And so therefore, one has to look at the global position in addressing the risks here. And the need to promote the scheme as well. So the points I wanted to raise now Forgive me for being a little disjointed was the connection was poor. But hopefully, you heard what I said. I typed it, I think, got virtually all of it. So thank you very much for that. And that's been helpful. So can I just thank you. Can I just clarify.

36:50

Mr. Moore will be responding to your further comments at headline three, as we've said, hopefully, that will happen by deadline for they'll both then be further opportunities for dialogue between Mr. Moore and the applicants.

37:07

Will there be further opportunities

37:10

of meetings? Or is that to prefer to keep things

37:16

developing through the written process is the person

37:19

I suspect that we will be proceeding through the written process at present, although we will always have regard to Mr. Moore's submissions? And should should a conversation be the necessary or appropriate? We will, of course, reach out to Mr. Moore

37:37

is very good. Thank you.

37:41

Mr. Morris, anything further? You wanted to add to that points very briefly, are you content with the way forward? I'm not asking you to revisit any of the points? I think that will come out in further dialogue. But are you happy with the process going forward?

38:01

Can you hear me? I can hear you now? Yes. Yeah.

38:06

I think first of all, I should comment on the gentleman's comments on the rights. I mentioned the riots, because of the work that was then undertaken after the riots. First of all, the states will pull them forcefully. Yeah, I think what I

38:24

was making was, was that

38:27

that is state is no safe. The reason it's safe is because of secure by design. Yeah. And that that was the main work that was done afterwards.

38:36

It worked. It makes paces. See if by design, if you look at all new housing contracts that are happening now. You will, you can spot it, because it's a main routine. And everything's cool de sacs offered in general.

38:52

So it works and it works well. And

38:59

the gentleman said,

39:01

The CDM regulations say were reasonably practicable. That's correct.

39:07

But I would argue it is reasonably practical to bill to go north. Yeah, I think

39:15

I don't want to go over the further discussion of the of your case. I think that's what will evolve now through the further dialogue in writing. And as Mr. Buffett says, if necessary, further conversations. Can I just confirm that you are content? That that is an appropriate way forward? For you to remain involved? Yes, I'm quite right. Yeah. Yeah. Okay, that's good. Thank you.

39:47

And so thank you very much for your contribution. can I know? Well, first of all, can I just check, Mr. pen? So did you have any questions or points you wish to raise given Mr. Moore

40:00

those comments and Mr. Passwords response before I move on.

40:06

Not no comments at this point. Thank you very much Mr. Gleason. Okay, thank you. So if we can move on now to to miss the foul.

40:19

If you can make your points for the hearing, please be grateful. Yep. Well, they Thank you. Can you hear me? Right? Yes. concerned. The

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first point is there are a number of

40:35

roads been closed and new roads being built as access roads that been to the one to West link Hall. As is on the northern stretch romantic. They're all on the northern stretch romantic to alink. Jim, I'll just remind you it's Alan Jim rather than ellingham as well, Mr. Gleason.

40:56

The West linkle link road from the charter, Meyers overpass running on the west side up to Westland. Cool. There's the other one on the east side running from the chamas flyover up to eastlink Hall and Charlton Hall. And there is a new road that is being constructed from rock mid stead down to rock south. From

41:22

the the moment there isn't any

41:27

conversations we've had so far, how is England their representatives is that that will be an adopted road by northern mechanic Council.

41:36

We have not seen anything to confirm that in writing from North American Council. And that was part of the suggestion under here. But our concern is that if those weren't adopted, then the

41:51

mechanisms for maintenance and repair will be significant given the multitude of load and multiple number of users and different owners and occupiers down that route. So the first point was

42:03

that over the confirmation of the classification of those roads,

42:09

do you want to do all the points and then Mr. bassford replies you want to know if you could do them all please. The

42:18

second one is made representations or vegetation clearances is primarily in front of the property's Westland call and

42:29

West logic Charlton Hall

42:32

the plans show the complete removal of the vegetation. Although we've had verbal confirmation that perhaps that isn't going to be the case.

42:45

Obviously, the impact to our clients properties much more significant if the vegetation existing mature vegetation is cleared.

42:54

And the third point is and I made a representation and the deadline three in the top soil band and the document

43:06

001100 6.1 as part B figure 2.6. Temporary construction works.

43:14

We don't agree that topsoil topsoil band location five is necessary.

43:20

The proposal is to acquire a large parcel of land to the west of location five where location four is noted. And there is more than sufficient land. A lot of this land isn't being used apart from longer term mitigation. So there would be no reason why you couldn't use the top so location bundling that and that will save taking up unnecessary land on my clients property rock estate.

43:45

The location of Topsail five band is in the wettest part of the whole route. It lives wet pretty much most of the winter. It's very, very low line, and it just wouldn't be suitable. So we'd rather make a point that probably be more suitable. They're located all in the land being compulsively card on the west side of air one belong to rock estates.

44:11

Third point the fourth point is one over drainage.

44:16

A lot of the land that our clients are represented for rock estates, Mr. Purvis

44:23

northern states on that pit in particular, is very low lying.

44:29

If you haven't been up to that bit yet, Mr. Gleason you'll see when you go out there, but you'll see that the current a one when it was constructed, whenever it sits quite high above the ground level and was raised, it actually creates a barrier for water movement actually. Part of the reason we think is that the drainage was poorly done by highways England when they they put the original a one through that route for years, quite a few years ago.

44:57

So we are concerned that there is very

45:00

It'll design at this stage over the drainage scheme and what we would appreciate that they'll want to do the full drainage spec at some point down the line, but it would

45:11

on other DCs or I've been involved, there's been quite a lot of recommendations as part of the inspectors report over drainage and ensuring that proper consultation is done by third party consultants, and that we have a comprehensive scheme that that mitigates

45:29

flood, or water attenuation on either side of the new carriage moment effects is creating a bigger barrier.

45:37

The last point is the more difficult point and that is over the relocation of the 66 kV wind farm cable that currently runs

45:50

down the length of the scheme from

45:56

Charleston, West lodge really all the way down the side of the a one down to danek.

46:04

We've made representations on this.

46:08

So

46:10

the

46:13

it's it's slightly tricky because of the communication that we've had from highways England is marked without prejudice, but our solicitor states that that can't be said so I'm gonna have to rely back to that. So

46:28

we were notified on the eighth of January that Northumberland estates area of land that is going to be taken as a result of this new cable alignment is 10.54 hectares.

46:44

I have to intervene at this point, the correspondence to which Mr. fellers referring was marked without prejudice and is without prejudice. It contains elements of our case, and it is our rights to discuss that honour without prejudice basis with Mr. Foul and his client. If he puts to you things, which we have said privately, it disadvantages us. And that is why it would be a breach of the the the ethics applicable to without prejudice correspondence, and you may not hear this. Understood. Mr. Foley, okay. That I'm not. And I'm not in part because we've been subletting. Well, let's be say, Mr. Phil, I noticed that there is an issue about the

47:40

relocation of the cable, it's something I want to raise and

47:46

is on the agenda for the compulsory acquisition hearing. Anyway, I'll be asking the applicant to outline the current position.

47:54

And I will want to understand that position more fully.

48:01

Alongside that there needs to be discussions between Mr. Feld, your client, your clients and the applicants. I don't need to be aware of the detail of that at the moment. So Mr. Burswood, says, that shouldn't be brought to my attention this point, but I'm hoping that those matters will progress

48:24

successfully, so that

48:28

they can be effectively resolved. So

48:32

okay, well, I won't I won't I won't refer back to that. Yeah. I'll carry on. Yeah, I'm very aware that you have an issue with the film. I've seen like I have, I haven't I have an issue because our solicitor is as blatantly has told us that, that this letter, this letter should not have been sent without prejudice, when it sets out the case for highways England for for taking this additional lantech further 66 kV a cable. Now, if if highways England aren't going to provide that information as part of this hearing, then that makes it difficult for you to even make a decision on it and those contents in there, which I think are vital for you to be able to make a decision. And I will I will say that there is a very large amount of land a considerable large amounts of land for which we'd be not only notified on the eighth of January of that area of land that is going to be taken. I have been also has also been notified to us that that area of land that has been notified to us has been the relevant area is incorrect.

49:39

So Well, again, I think let's not get into the detail of that, if that's something that Well, I think that should be a discussion between yourselves and the applicants about what is

49:55

what possible way forwards there are at this stage.

49:59

We

50:00

We still have quite some way to go the examination. hopefully there'll be discussions, which don't need to be involving putting things into the public domain.

50:12

But

50:14

I'm certainly aware of, of the general issues. And we want to see both sides positions by the ends of the examination if they haven't been resolved. Okay, well up, in which case, I'll I'll make it brief. And our point here is that we don't believe that the additional land take is necessary. And that there is no requirement to take this additional land.

50:39

For various reasons, if we can't go into those today, which which seems ridiculous, because this is supposed to be going into the detail. We think there's a this is a fairly fundamental flaw in the application. The application also, you'll note has two options, A and B.

50:57

We've been led to believe that they're pursuing one of the options, but there's nothing notified under that. So the we are

51:07

we are clear that

51:12

it is a temporary inconvenience to highways England.

51:17

And in order to get around that temporary inconvenience and cost that they believe that it would be it warrants acquiring additional land to relocate that cable. Okay.

51:30

For which we don't agree. Okay. Understood.

51:35

So those are the five points, but are you saying we're going to go into that in more detail on Wednesday, we will

51:44

examine authority. We'll be asking the applicant to explain the position on Wednesday. And we'll be asking you to present your position. Right. Okay, Wednesday, it may be.

51:59

Well, Mr. passper tip, is there any point in a conversation between the applicants and Mr. Fell before Wednesday, just to clarify what can and cannot be discussed? When I asked the general question. And

52:16

I did, in fact, put in a telephone call to Mr. fells co advisor at

52:23

the law firm Ward hanaway on Friday but have not received a response to my voicemail message. If this felt would would ask Northumberland and rocket states Lister. To get in touch with me, that would be very, very helpful.

52:40

Mr. Phil is not acceptable to you. Yeah. Or he could call me.

52:45

So there's no reason why you can't deal with me. I'm the agent acting on behalf of those people. So provided provided that the solicitor has contempt for me to do that. And I need to hear that from listed and that's fine, because obviously, I can't speak to an agent since I'm a lawyer.

53:00

Okay. I'll get an email to you in the next five minutes about okay. That's really cool. Thank you, Mr. Bell. Yeah. Hopefully that's a way forward before Wednesday, at least two

53:10

or parties understands the rules for discussion on Wednesday. Mr. password, then do you want to respond to Mr. Phil's five points generally this point? Yes. Yes, I can. The that there are.

53:29

It is worth explaining to Mr. Foul that this is an open floor hearing, as you of course will know. And that this is not a today is not a detailed discussion, although I think it is really helpful to have Mr. Phil's five main points flagged up and we're very grateful for that. So I'll try to be as brief as I can in response

53:52

in relation to the the adoption of roads. We have heard Mr. fells response to written representations that doubtless he will have seen as you will that the DCA requires Northumberland county council to adopt the relevant roads, it although this sounds a bit aggressive to Northumberland county council who I know are not here today, they get they are compelled to adopt the relevant roads, when they are at adoptable standard and up until that point of course, highways England will be looking after them until they are taken off their hands. So, that that I hope will provide reassurance to to Mr. Foul and his clients. So, that is the position in relation to roads. The relevant provision in the development consent order is set out in our written representations of Mr. Fell will be able to go and have a look at that point

54:55

in relation to vegetation clearance you

55:00

have asked us a large number of questions you and Mr. Pinto passed this large chunk of questions about the extent of illustration currents and in fact, highways England is under a general obligation to mitigate its effects upon the natural environment and so, therefore, where vegetation currents can be avoided, that will take place, because that is in the best ecological interests of the scheme and the environment. And so, that works very much in favour of Mr fells clients and their desire to see

55:42

to see

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vegetation remain in situ. Now, Mr. Fell will of course, have this at his fingertips, no doubt, but the place to look for that is in table three dash one of the RT AC in the construction of environmental management plan and the relevant provision there is item S dash I to little a, and that deals with vegetation currents and should provide assurance to Mr. Foul, obviously, the final design has been carried out, as agreed with Northumberland county council there will be a landscape environmental management plan and that will contain the measures for the idle landscaping, the amount of vegetation clearance and so forth, and that that will be secured through the requirements in the decio and the camp did you wish to say something just then, so, I have the advantage of being able to see you know, that is fine, please carry on. But I will carry on the next item to deal with is the top soil and

56:55

and in relation to that. The

57:01

the key issue is that the widening of the a one and the land requirements relating to that mean that existing Crossfield access is not as easy to use, as it would otherwise be.

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And so, therefore, there is a need to ensure that the relevant tops or storage areas are appropriately accessible.

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I suggest that Mr. David Morrow who is a chartered consulting engineer and advises highways England from the consulting engineers, W. Sp, speaks briefly to you on this point so that he can explain the relevant dispositions at the top top soil surface areas,

57:52

top soil storage areas, unless you'd rather pick that up in an issue specific hearing, I think let's keep this high level for now without getting into too much detail. so grateful for the offer. But I think

58:07

let's do that subsequently, probably at

58:11

issue specific hearing two. Very helpful. Yeah, we will also as a comment on our note of today's hearing, include a response to the point that is fuller than the one I'm able to give it to you immediately just now so that you're thinking By the way, that's that's great. The next item is in relation to drainage. And of course, the drainage design of the project will be finalised as it moves into its implementation phase. And again, drainage is secured and the drainage design is

58:50

is secured through the outline Kemp, and the various items contained in the report.

58:59

In addition to that, they're harvesting that has said to Mr. Foul that it would be sensible for landowners are particularly concerned in relation to drainage to take advice from a suitable consultant. So that they would be able to be properly advised and ensure that the

59:27

that the drainage designs are appropriate to the objective of every one is obviously to ensure that the agricultural land continues to perform suitably and that the mitigation in place is appropriate for the design. One thing I would add as well is that it wasn't highways England who constructed the one in this location housing booms only existed since 2015. And I don't think it can be blamed for the existing drainage situation there. Another final point is in relation to

1:00:00

The 66 kV cable connection to the wind farm. In relation to that, we will be able to show that the most appropriate

1:00:12

solution is one of the ones which are contained in the draft developed consent order. In relation to those two options, they're both available to high with England, it has a preference for the and it's a preference for the construction of the or the installation of the wind farm cable to be within the highway estate, as it is proposed to be

1:00:43

following the works, but if landowners preferred the other option, which would be that the cable is on their land and an easement to be in place for it to be on the agricultural land, then they are able to express a preference about housing and we'll take that into account in deciding its way forward. But having said that, the reason why the wind farm cable was moved into the highways the state was at the behest of landowners, including those represented by Mr. fell in discussions prior to

1:01:19

the application. The other thing that we should say here is that we believe that we will be able to show that the most appropriate and proportionate and

1:01:34

resource appropriate

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design approach is the inclusion of the cable within the iwi boundary as proposed. That's why it's hard is England's preference.

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And I would just say to Mr. Bell that,

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as you will be aware, there is a difference between without prejudice, correspondence, open correspondence, and we do have Mr. Fells views on the arrangement that we are proposing is high as England's preference that that is contained in open correspondence from Mr. Foul I, out of fairness will suggest that he might want to check that.

1:02:24

And we can perhaps discuss it with him and his lists are effects of resistance, because that is admissible in these hearings, and that will be something which will be of interest to you. No doubt, sir.

1:02:41

Thank you very much.

1:02:49

That raised a number of matters, which I think as I said, we will come back to on. Well, I suspect we'll come back to some of those matters tomorrow at the TCL discussion, but certainly on Thursday, Friday, when we talk about why to environmental issues. So thank you for that. Mr. Pinto again, if you wish to re raise anything from Mr. Fells submissions and Mr. Buffett's response.

1:03:20

Thank you, Mr. Gleason. I am contented with the information as it stands now. So I do not have any further queries at this point. Thank you. Okay, thank you.

1:03:30

Can I ask them if there's anyone else who wishes to speak at this open floor hearing?

1:03:37

Mr. Doggett a chance to reply.

1:03:40

Yes, briefly, if there's something particularly needed to pick up?

1:03:44

I think a lot of the points that that stuff is coming back on is, is the reason we're flagging them up is because we don't have any control over what, you know, your recommendations are. So the point about drainage and other bits and bobs, I mean, is first that that's been been offered. But irrespective of that, it's is ensuring that the right protocols and

1:04:12

processes are set out in your recommendation in the decio so that the land is protected properly. I know I appreciate you don't need to do the drainage now, the vegetation clearance, but what they've

applied for on the vegetation clearance, for example is to complete removal the link roads, we've got no guarantee, although they've said that they wish the DCA to include the Northumberland county council to adopt those link roads, there is nothing in conformation and auto mechanic council are happy to do so. And you of course may make a different decision. So that is where we were raising these issues to ensure that if you if you decide to do something different that are the landowners aren't then adversely affected. Understand your position as you say, I think that's one of the things that will come up tomorrow. The TCR hearing anyone

1:05:02

And the slight lastly on the wind farm cable.

1:05:07

The the

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Mr. basford is saying that we we said do you wanted it to take additional land? And no point did we say that the landowners have offered alternative routes which have been turned down by

1:05:26

highways England, their decision was to take additional land. The point is here is whether it is necessary to take the additional land for the instal of the cable as to whether you take a

1:05:41

right or or take additional land. That's not the point. It's the additional land that's been taken which highways England can't tell us what the additional land area is at this moment in time. But there's a significant additional land for take, which we believe is unnecessary and that there is alternative routes, alternative things that they haven't considered. They've discounted purely for one on construction costs.

1:06:07

Okay, as I say, we'll pick that up later, but understand your points. Thank you.

1:06:14

So again, just to clarify, is there anyone else who wishes to speak at this openflow hearing this morning?

1:06:22

No. Okay. Thank you. So that concludes item two on the agenda. The remaining items, Mr. Buffett, you have your hand up. I I just had one item to come back on in relation to Mr. Moore's submission. And that I think is that

1:06:43

hybris England will be in touch with Mr. Moore to discuss briefly, the various items that he has raised. They're very keen that he understands that how seriously they're taking heat, they are taking the points

he's raised, and so they will they will be in touch with him. That's good to hear. Thank you for that clarification.

1:07:05

Okay, so the remaining items on the agenda are very brief. So I don't think it's necessary to take a break at this point, we should be able to rattle through them fairly quickly. So I'd like to then hand over to Mr. Pinto. He'll deal with the remaining items. Actually, just seeing

1:07:27

Yes. Mr. Moore, calling with Mr. Pinto. Mr. Moore, you have your hand up? Yes, it was just to see it. I heard the comment by the gentleman regarding highways England, getting in touch with me. I'm more than happy for them to do so.

1:07:43

The meeting would be better. I can explain it a lot easier in person face to face with. Obviously the pandemic is stopping that at the moment.

1:07:53

But I look forward to them contacting me. Okay, well, let's leave that between the two of you to sort out the appropriate way forward. But it's reassuring, at least that there will be contact between you. Thank you for showing us that that's very, very helpful. Indeed. Thank you. Thank you. Thank you both.

1:08:12

So Mr. Pinto to deal with the item three and the remaining items on the agenda. Thank you.

1:08:21

Thank you, Mr. Gleason. So I have three of the agenda is review of issues or inactions? Right. I think

1:08:29

the existing authority will address any actions placed on the applicant that are to be met, how these have to be met and considered the approaches to be taken in for the hearings, in light of issues raised in this hearing. From conversations that we have had on the previous item

1:08:49

dealt with by Mr. Gleason. I believe that directions into issues that debt were raised are to be flagged up. We'd written representations and submissions by deadline for particularly for the issues raised by Mr. Colin more today. And also Mr. Lewis fell

1:09:18

in response to those issues by how with England, some of the issues that we have touched upon today will also be picked up at subsequent hearings in the next couple of days, particularly in relation in relation to relocation of the cable for the wind farm. It also in relation to top soil drainage and also

1:09:49

the removal of invitation. We will be expecting to in the next couple of days address some of these issues in also we would request that

1:10:00

At written submissions on played on these issues as well as agreed in today's meeting.

1:10:06

Mr. Gleason, is there anything else that you would like to add under item three?

1:10:13

No, that's fine. Thank you. Thank you very much.

1:10:18

If,

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if there are no further comments to make at this point and the item three, Would anyone like to ask Mr. Moore, I see that your hand is still up, would you like to intervene and item three.

1:10:43

I believe it might be the hand up might be left from your previous intervention. So I will move us on to next steps. So before I join this meeting to a close, are there any other matters that anyone would like to raise?

1:11:10

I'll take silence is a now so before moving on to item five closure of the hearing. I would like to thank you for attending this hearing today and sharing your views on two proposed development which we will consider when the examination of the application

1:11:28

we now confirmed it this open floor meeting, a hearing is closed at 1113. Thank you