

TRANSCRIPT_A12CHELMSFORD_ISH5_SESSION1_270623

Tue, Jun 27, 2023 12:11PM • 1:22:53

00:00

Good

00:05

morning, everybody.

00:09

Now 10 o'clock, and it's time for this hearing to begin and I'd just like to welcome you all to this issue specific hearing for the A 12 Chelmsford, to a 120 widening scheme. Just before we carry on Can I just confirm that everybody can see and clearly hear me perhaps recognize one of the members of the case team? Just to confirm that Mr. Parker?

00:28

Hello, sir. Good morning. I can fine, I can't hear you. But I'm guessing that you can hear me because you are talking and not is good enough. Thank you. Yeah, your, your video seems to be very

00:42

hesitant to work. So.

00:46

Okay. But as long as you can hear us, I've just got a nod from the back of the room to say that they're just working on that video. So that's fine. I'll carry on talking. Regardless, that's fine. Thank you for that. And can just also confirm that the live stream the recording of this event has commenced as well. Brilliant, and getting a thumbs up on that as well. That's great.

01:03

My name is Adrian Hunter. And I've been appointed by the Secretary of State to be the lead member of the panel to examine this application. And just before I carry on, I just like to introduce the other members of the panel to you.

01:17

Good morning, I'm Max Wiltshire, appointed by the Secretary of State to the panel.

01:30

Good morning. My name is John ghost. And I've also been appointed by Secretary of State as a member of this panel. Thank you.

01:39

Thank you both. Together, we constitute the examining authority for this application.

01:45

What I'd now like to do is just sort of run through some of the agenda and so the logistics for this morning's meeting. The meeting will follow the agenda that was published on the national infrastructure planning website on the 19th of June. For those who need it, the examination Library Reference Number is ev 015. A, and it may well be helpful if you had a copy of this in front of you.

02:05

The agenda is only for guidance, and we may well add other considerations or issues as we progress will conclude the hearing as soon as all relevant contributions have been made and all questions asked and responded to.

02:18

Visually the discussions can't be concluded, then it may be necessary for us to prioritize prioritize matters and defer other matters to further written questions. Likewise, if you cannot answer the question being asked to require additional time to get the information requested, then please indicate that you will respond in writing.

02:34

Today's hearing is being undertaken virtually, which means that everybody is participating through Microsoft Teams. A recording of today's hearing will be made available on the project page of the website as soon as possible after this hearing is finished. With this in mind, please ensure that you speak clearly stating your name and who you are representing each time you speak. It would also be helpful if you could just mute your microphone if you're not speaking as well.

02:59

A link to the planning inspectors privacy notice was provided in the notification of this hearing. And we were assumed that everybody here today has familiarized ourselves with this document, which establishes how personal data for our customers is handled in accordance with the principles set out by our data protection laws. Please speak to our case team if you do have any questions about this.

03:19

In terms of the running time for today, we are intention to take a mid morning break about 1115 ish, and we are due to finish the hearing by one. However, if needed, we do have additional time reserved tomorrow, should we need to continue the discussions in terms of this will take a decision on whether we need this additional time. Later on during this morning when we got a clearer idea of how we're progressing through the agenda.

03:41

Those watching on the live stream can I also advise that when we do have a break in proceedings, we will have to stop the live stream in order to give us a clearer recording files. As a result, at that point,

which we recommend meeting and restart live stream you may need to refresh your browser page to review the restarted stream. Just before I move on to other bits. Does anybody have any sort of questions or comments on what I've just outlined in terms of the agenda and just the logistics for this morning?

04:10

Thank you so Reuben Taylor from national highways.

04:13

Good morning, Mr. Taylor, thank you for that.

04:17

Just in terms of the purpose of of this morning's hearing, and this issue specific hearing has been held to explore a number of matters orally in respect to the draft development, consent order, and various environmental issues. In terms of drafted on the consent order, we're probably first to that as the de dcr. From from now on.

04:35

Our purpose today is to examine the information submitted by the applicant and also by interested parties and others. And as a result, I would like to reassure you that we are familiar with the documents that you've all sent in. So in answering your question you do not need to refer or to repeat it so you don't have to repeat at length, something that has been submitted. It would however helpful if you refer to any information, you could give us the appropriate pins examination Library Reference Number

05:00

The draft development consent order is an important document. It's important for the examining authority because we are under a duty to provide the Secretary of State with the best drafted DCO. We can, even if we end up recommending that Secretary State should not make the DCR. This is because we do not decide this application. But we make a recommendation to the Secretary of State, and they then make the subsequent decision. So even if our reports, the secretary of state were to recommend that development, consent should not be granted, we must still append a draft DCR and during the Secretary of State can decide to make the order if they wish. So again, just before I now move on to sort of introducing and just checking, we've got everybody here. Does anybody have any comments or questions on the purpose of today's hearing?

05:42

Again, I'm not seeing any any raised hands what I should have said as well, if you do want to make a comment, please use the raise hand functions on teams as well.

05:50

So now what I'd like to do is just sort of run through those organizations and people who are here to speak. So when I state your name, if you could just introduce yourself, and state who you are representing any possible which agenda item you'd like to speak on.

06:04

So if I could start please with the applicant, and I've already seen Mr. Taylor this morning. So if I could come to you first, Mr. Taylor.

06:12

So good morning, I'm rooting Taylor Casey instructed by Womble bond Dickinson on behalf of the applicant, national highways, I've got a large team of people online who are going to speak to various matters, I think 14 names on my list, I don't think you probably want me to introduce them all. And what I'm going to suggest is that they introduced themselves as and when they started to speak.

06:36

That's fine as normal. I think that's about what we'll do Mr. Taylor's then we will come to you. And then you can direct questions out to your team as we would normally do. Should we be in a normal meeting room? I'll do my best. Thank you.

06:49

If I could then move to Essex County Council place.

06:56

My name is Michael Humphreys, Kings counsel representing Essex County Council.

07:04

Again, I've got a large number of people in the room here with me uncountable, and also elsewhere. Kind room, there are 11 of us again, that won't introduce them all now, but they can introduce themselves when they speak if that's convenient.

07:24

That's perfectly fine. And good morning. Oh, thank you very much for that.

07:29

If I could now move on to mold and District Council, please.

07:35

Hello.

07:37

My name is Matt Winslow. I have two other people on the call today as well. And

07:45

when, when when they wish to speak on the particular matters if that's okay.

07:50

That's perfectly fine. Thank you very much for that.

07:54

If I could now go on to champs for city council, please.

07:59

Well, is everything from champs to city council, and we're not intending to speak on anything but happy to respond to any questions or queries as required.

08:09

Good morning. Thank you for that. That's helpful.

08:12

And now if I could go to the Environment Agency, please.

08:19

Good. Good morning, sir. My name is Carol bolt bol T and I'm the solicitor with the Environment Agency. I have with me today Mr. Martin Barrow, and Mr. James Carr, who you've heard from previous hearings.

08:37

Thank you, sir. Good morning. Thank you very much. If I could now go to Councillor Kathryn Evans, please. I think you're representing both fearing parish council and Essex local access forum as well. Yes. Good morning. Yes, I would expect it to be this morning to be basically the local access forum. Because we have an interest in the Gershman Bulevar bridge, Coleman's fisheries, and the main river crossing, specifically ravenhall Brook, where we've suggested an alternative proposal.

09:13

Thank you very much. That's helpful.

09:15

If I could now move on to

09:18

Mr. Harding. I think again, maybe wearing two hats, representing missing come in with parish council but also missing an inward Action Group.

09:28

Good morning. So my name is Andrew Harding. Thanks for the introduction. I'm with Mr. Ray Strudwick, who is both a parish councillor and a member of messing with action group. And we would propose to make commentary as the morning unfolds, as the group will already be aware we have some very strong views on what's been happening. Thank you.

09:51

Good morning. We're starting to start Mr. Humphries on the list. Is he attending are we coming through you for for questions? As it sounds through me at the

10:00

moment he thinks he's not on the call at the moment. No, that's fine. That's just helpful. So we know that's helpful. Thank you, Mr. Harding. Okay. And then I also have Mr. Cathcart as well. But I understand you may just want to observe and come in if needs be. But if you want to sort of introduce yourself, that's fine.

10:19

You I'm Mark Cathcart. I own the blue most nature reserve and we'll be very interested to hear and possibly comment on the proposals of Kayden crossing the land.

10:33

Good morning, Mr. Kafka. Thank you for that. And and then mr. Lomax?

10:40

Yes, I'm Keith Lomax. I'm a local resident. I'm here in relation to the Goshen Boulevard bridge. You've already had submissions for myself and several of my neighbors. So I've got nothing new unless anything comes up in the conversation today.

10:57

Good morning. Thank you very much that that's helpful.

11:00

That is everybody I have on my list. But can I just check if there's anybody else in the virtual room who does wish to speak today whose name I have not mentioned?

11:15

Okay, I'm not seeing any hands up. So I'm guessing we've we've covered everybody. And just what I'd say is, before we do, move on to item two, just remind everyone that this is a public examination. And therefore even if you haven't indicated that you wish to speak, if there is a point that you do wish to make, please feel free to use the raise hand function and Microsoft Teams and we can come to you at the relevant point should you wish to contribute.

11:42

What I'm now going to do is move on to item two, but just before I do, I'm just conscious that our video may not necessarily be working very well.

11:50

But we're going to get we got people sort of

11:53

fiddling and and trying to sort of get that sorted out, but rest assured we can clearly hear and see yourself or you can hear us as well. So perhaps not seeing as some may say that is an advantage, but I'll just leave out. I'll just leave that there before I move on to to item number two.

12:08

So item number two on the agenda is the change application that was made by the applicant.

12:14

And that was accepted by us on the 12th of December with our reasons for accepting the change set out in our procedure like decision which is EI reference, PD 013. Just by way of a summary of the proposed changes to the application. There are a number of them six, which included the redesign of the proposed northbound on slip at junction 19. Exclusion the post Anglian water pumping station from London proposed for compulsory acquisition at Hatfield Peverel. There were changes the provision of approach replacement land at Westmead puts additional consequential changes to reflect a change of ownership for open space in the withum area that occurred subsequent to the submission of the DCR application.

12:58

There were changes to the proposed drainage works associated with the works along the B one or two three along the cabling routed in worth.

13:07

There was the removal of the proposed segregated left turn lane as robust junction 24, the in worth road and the b one R two, three. And then the final change was the removal of proposed signaled cross roads and partially signalization of the existing roundabout at junction 25. With the a 120.

13:27

In coming to our decision, we did consider all the consultation responses that were made during the consultation period the application carried out

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as these changes have now been accepted into the examination. And all the necessary plans have been revised and submitted at deadlines six by the applicant. Just under this item, what we wanted to do was allow the opportunity for any interested parties just to make any comments or make any submissions in just in relation to those changes that I've just outlined, or a sort of reasoning behind accepting those just to sort of check, like I say now that they're in the examination formally. So just before I ask the applicant, if there's anything that they want to add, are there any comments in relation to the proposal to those changes that I've just outlined that anybody on the call may wish to make?

14:13

I can see I've got a hand up from from Mr. Harding. So if I could come to you first, Mr. Harding.

14:18

Thank you. So good morning. Again,

14:21

we would like to comment that although the segregated left turn lane removal is a very major safety improvement. We still have very great reservations about the remaining roundabout design and do not believe that removal of that lane is sufficient to make that roundabout safe.

14:43

Okay, thank you. Thank you very much for that comment.

14:49

Does anybody else have anything that they wish to say at this stage?

14:53

Before I just ask the applicant if there's anything else that they want to sort of draw our attention to or respond to on the change request specific

15:00

Big change application specifically.

15:04

Okay, I'm not seeing anything else other than your hand is still up Mr. Harding.

15:08

So if I could perhaps go to Mr. Taylor, because he does anything that you wish to sort of raise it at this point under this Act and

15:16

breathe and tailor for national highways. So nothing from us, other than support remind you that we've responded in writing in relation to the issues about safety at the junction 24. And Mr. Harding just referred.

15:35

Thank you very much, Mr. Taylor. I can say one other hand that's gone up from Councillor avenues.

15:41

Yes, I'm wearing my Councillor Evans hat from fearing parish council. We haven't studied

15:48

plans in detail, but the bit about the junction, the roundabout on in West road. But we did have a question which I think we haven't put in writing. We're not quite sure whether all the properties around that junction on we're in worse road actually have vehicular access. It might be become clearer when we actually have a look at the detailed plans.

16:16

Thank you very much for that. Okay. Again, I don't know whether there's anything Mr. Teller you wanted to? To help on that. If there's anything you can if we need to? I'm going to ask Mr. Al's agreement to to come in on that, because I think he's got the answer.

16:29

Thank you. Thank you very much, Christopher. I was Greenland on behalf of the applicant. And just in reference to Mrs. Evans specific question that with or without the proposed change at the interface of the roundabout all properties that currently have vehicular access to the b 123 will continue to have in the permanent case, vehicular access to the beat 123.

16:55

answers the question sorry, it's been a bit quiet on my radio. Sorry, I was my fault. I was just making a note and then turning my microphone on. So yes, thank you very much for that. Appreciate that. Thank you. Thank you.

17:09

Okay, well, I don't see anything else in relation to item two on the agenda, the change application. So what I propose that we now do is move on to Item three, which is the draft development consent order.

17:25

So just by way of sort of introduction to this sort of item on the agenda, we have seen the changes have been made since the last issue specific that we had issue specific for where we discussed the draft dcl. And we've also reviewed the schedule of changes that were submitted about the L five, and recently at Dell six, and also the number of comments that we made by a number of the interested parties as well. And in the intervening period, we also published our suggested changes to the DCR, which is under examination Library Reference PD 015.

18:00

What I'm not proposing to do is to go through all the changes that have been made since is h four in detail. As I think we did feel we got ourselves in a bit of a muddle last time when we sort of tried to work our way through all of those.

18:12

So given where we are now in terms of coming towards the close of the examination, we feel it's more beneficial to focus more specifically on the areas that are currently the subject of discussions, both in the DCO itself. And in particular sheduled to requirements.

18:28

We've seen the comments that have been sent through by IPS on the DCR made at the L five and DL six. So again, we don't intend on going through all of those in details. But please do refer to us any points that any issues that were made in those submissions, because that will be that'll be helpful to sort of have those references.

18:46

Therefore, in terms of this item, our focus is based on the discussions that we had at ISA four along with the subsequent submissions that we've had, both from the applicant and the IPS, but the L five and DL six. So just in terms of the items that were keen to sort of work our way through starting with the articles, what we'd like to sort of look at in particular is Article Three, which is the DIS application of legislative provisions, article 14 construction and maintenance of new altered or diverted streets and other structures 15 classification of roads 16 speed limits 23 traffic regulations 26 authority to survey and investigate land. And then last on my list on numbers 46 and articles 46 and 47, just in relation to trees and hedgerows. And that said if there are other changes that have been made to the DCR, or the changes that haven't been made to the DCR that people have been sort of made comments about, please do read those as we go through, but they're the main articles that we do wish to concentrate on. But we're also aware that there may well have been subsequent discussions that have happened since deadline six between parties. So any update on those will be really, really helpful to us.

20:00

And I think what will be enormously helpful to us is to get an indication of what realistically can be addressed by the end of the examination. So we can get a sort of a clearer idea of where there is a chance over the coming weeks that wording may well be agreed or where we're maybe in positions where wording may not be agreed. And then we're needing to sort of make decisions and recommendations on those.

20:22

So moving on from there, if I could then work my if we can work our way, sort of through the draft developing consent order to start with and the articles of that. And I'm just going to propose, we're just going to go through the numbers as I've listed them out in numerical order.

20:39

So if I could start with Article Three that this application of, sorry, the Yeah, this application of legislative provisions, and perhaps if I can come to the applicant, just to explain where we are with those, the reasoning behind those changes, and then there will be the environmental agency may have some comments as well.

21:01

Reuben Taylor for national highways, I'm going to pass the mantle on this one over to Miss Emma Harling Phillips.

21:14

Thank you, sir. Mr. Hollin Phillips on behalf of Womble bond Dickinson for the applicant.

21:20

They Yes, Article Three relates to the DIS application of consents, and as you'll be aware, and from the various representations that have been made under the examination thus far, the Environment Agency does not consent to the DIS application of certain consenting regimes, including in relation to flood risk activity permits to reflect that lack of agreement, we have removed those from the DIS application provisions. So it does mean that the applicant would work would need to

21:52

get separate Environment Agency consent in relation to flood risk activity permits.

22:02

Okay, thank you, that's helpful to sort of get that explanation.

22:06

We do have the environmental agency online. Are there any comments that you wish to make at this stage? Just in relation to that Article Three.

22:17

Sir, Miss Arlington, it says summarize the position we we are not prepared to give consent under Section 150 of the Planning Act to this application. As you know, we'll be coming on to the issue of Maine river crossings and coverting later in the agenda. And we on on that basis, were not prepared to give that consent. And so there can be no dis application in those circumstances. And we've noted the deletion of the relevant provisions from the draft DCO. And we're obviously content with that. Thank you.

22:54

Thank you very much for for that. Okay.

22:58

That's, that's helpful. From my perspective on the understanding of Article Three. I'm just seeing if anybody got any comments on the panel or questions on that? No, nobody, nobody has said that. That's great. Thank you. I think that that deals with Article Three. What I'd now like to move on to is to the next set of articles, which I think we can probably take together if I could, which is articles 14 1516 and 23. And I think the the main focus for these discussions is probably between the applicant and Essex County Council.

23:33

Perhaps if I can go to

23:36

the applicant first just to explain where we are in discussions, and then I can be really helpful to hear work from Essex County Council as well. But starting with the applicant, if I could.

23:47

Thank you, sir. Mr. Hollin Phillips on behalf of the applicant. In relation to Article 14 of the dean in particular, these obviously relate to the DEA trunking provisions. And so you will have seen our response to your commentary in the dark draft DCO. And that response carries examination library reference as dash 103.

24:10

In that response, we explained that we don't believe that it is necessary for any amendments to be made to article 14 Three as well proposed, as that article simply sets out what happens when a highway is D trunked. And we don't consider that the drafting would need to be amended as a result of the various discussions on de trunking. The Atkins view is the main provision in relation to D trunking. Is the provision at article 15. Subsection seven, and the examining authority proposed amended wording in its commentary and the applicant accepted that wording as is reflected in the draft DCO submitted at deadline six, the track change version of which carries reference rep six dash 037

25:00

I'll just pause there if we take these two together.

25:04

Yep, that's helpful. So I've got the DCA the draft DCO in front of me. So in terms of 15, the additional beds is what is now articles that are paragraph seven of article 15. That's the new additional bit that starts the undertaking may only is that that the additional new bit? That's correct. Correct. And that is the wording as proposed by the executive authority. Yes. Okay.

25:29

Thank you.

25:30

It's probably worth bringing Essex County Council at this point just on 14 and 15, to see whether they have any particular comments on those. So if I could come to Mr. Humphreys place.

25:43

Again, good morning, like little Humphreys for Essex County Council. Our position on this is that we are satisfied in article

25:57

50. With the introduction of Team SEVEN, which requires the Secretary of State to consent to do tracking after consulting with us our position is that these two articles article 14 that transfers in effect liability for D Trump roads to us and article 15 on classification of roads are tied up with the requirements that we'll come to later on D tracking in effect, if we do not get a form of de trunking or requirement that we find satisfactory, then we will object under Article 1572 T trunking.

26:43

of the sections of the a 12. The top of those to be the trunk such that it remains a trunk road and national highways can remain responsible for is maintenance.

27:05

Thank you for that submission. And

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if I could just go back to the applicants who has anything that they wish to add in terms of

27:14

what's just been outlined by Stanford yet. Thank you, sir.

27:19

Mr. Hawley Phillips on behalf of the applicant, we know what is said by my lovely friend, Mr. Humphries. And ultimately by the terms of article 15, seven. If ECC were to object in those terms, it would be a matter for the Secretary of State make a determination between the parties, and the applicant is content with that situation. So we do understand Essex County Council's position and it doesn't change our view on the detail of the requirement which laid out we will be coming to later. We will thank you. Yes. And I think we'll we'll wrap up the the articles and then we'll come on to the requirements as sort of a separate separate bit by appreciate there is a link between these two articles and that requirements.

28:04

Okay, that's helpful on articles 14 and 15. Perhaps if we can then move on to get an update on where we are in terms of article 16, which is speed limits and article 23, which is traffic regulations again, press reckon

28:19

but to the applicant, hauling Phillips Thank you. Thank you, sir. Mr. Hollin Phillips on behalf of national highways. Again, as we explained in our response to the examining authorities commentary on the draft DCO at as 103. The applicant was not aware that ECC has any objections in relation to the wording of article 16. We do understand that there are various discussions between the parties in relation to to speed limits, monitoring and speed limits, measures that that may be consequence on a consequent on that monitoring, and which no doubt we will pick up when we get to the requirements and ECC suggested changes. But we were not aware

29:01

that anything was required to be amended in relation to Article 16. And indeed, we anticipate that any any comments are more properly dealt with. Under the requirement discussions or other mechanisms that are are are happening between the parties or actually relate to sheduled. Three

29:21

in terms of article 23, the traffic regulations, that article would allow the applicant to impose speed limits on the local highways, but only by way of revoking amending or suspending an existing speed limit order. And those orders cannot be made except with the consent of Essex County Council as local traffic authority. So again, so we're not aware that Essex

29:46

has an issue with that wording, and we did not propose that any amendments were required to that article either. Thank you, sir.

29:55

Thank you very much. If I can just go to Mr. Humphries. Just to clarify the position

30:02

Thank you, sir microadventures for Essex County Council, so you will remember that in one of our deadlines, six

30:13

documents, granite 609, elite appendix one set out our speed limit proposals, the way that

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article 16 is structured that is that it imposes speed limits by reference to

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part six of sheduled. Three and also, obviously, in various plans have also shown speed limits. So, our focus here in

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objection has not been so much on the wording of article 16. But on the speed limits that are in effect given effect by article 60, we've had discussions with

31:08

national highways on this, we understand

31:13

that some changes to the plans and schedule a free pass six are agreed I can give you those, but it may be more helpful if we simply summarize them in our deadline, certain document, various other speed limits are not currently agreed, although there are some discussions on those.

31:46

Again, our position will be that if they are not agreed, then we will suggest amendments to

31:58

part six of sheduled three and all plans as appropriate and ask those to be imposed by the Secretary of State.

32:10

As far as article 23

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is concerned, are concerns on 23 work, as you will recall from some of our

32:22

earlier submissions, even part parasitic on our concerns about the speed limits imposed through

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article 16. And I think in relation to that, we set out our submissions on those matters in our earlier written submissions to you. And there are various iterations from rev 3035 Rev. 5033. Rep. 6098. And if you follow through, you can see what we've been saying on those two articles.

33:06

Thank you so much that that's very helpful. Yeah. And as you said at the start, if you could set those out and your deadline, seven submission, what's been agreed that'd be really that would help us enormously. So thank you for that. Thank you. We will set it up what both have been agreed and what hasn't been agreed that you're asking inputs. That'd be really helpful. Thank you very much. And

33:27

just before I move on, I just got back to Mr. Harling, Phillips, if there's anything else that you wish to sort of pick up in relation to anything that you just heard only those four articles. Thank you, sir. Just say that's very helpful summary from Mr. Humphries. And I think it confirms our understanding, which is that there are substantive discussions ongoing between the parties in relation to speed limits, but actually, it doesn't necessarily concern the wording or the drafting of those articles in the DCA, which we're concerned about currently. Yeah, I think that that was a very helpful clarification. And it certainly sort of helped us understand where we are with our so thank you very much for for that.

34:06

And the next article on my list is article 26, which refers to the authority to survey and investigate land. And it was just a question for the applicant in the stems of common ground with the National Farmers Union, which I think is rep 6077. There is a reference to the applicant is reviewing some proposed wording that has been suggested by the NFU in relation to definition of the land adjacent to water limits. And it was really just to sort of find out from the applicant, where you are in terms of the consideration of that proposed wording. I don't think we got the NFU online. So it's really just not to sort of debate the wording itself, but to understand sort of where we are in where you are in those concerns.

35:00

durations.

35:01

Thank you, sir. Mr. Hollin Phillips on behalf of the applicant. We were proposing to raise that issue under the subject of statement statements of common ground later in the agenda. And Mr. Goodwin was proposing to talk to it.

35:14

We can do so under that agenda item or Mr. Goodwin can do well, that's fine. If you're ready to bring out that point, then I'll my colleague, Mr. Wiltshire is going to take them out of common ground, so I'll make sure he's his school was a little note against that. So we can we can pick that up if we don't yet. Okay, thank you very much. That's fine.

35:36

And then the other article that I wish to touch on is articles 46, and 47. which relate 46, felling or lopping of trees and hedgerows and 47 trees subject to tree preservation orders.

35:52

And it was actually I wanted to just check something with moulden district council if I could, please, which is

36:00

a comment that in your

36:02

deadlines, six rep 606102.

36:09

Where you refer to and just acquire, MDC is awaiting specific arboricultural advice regarding the powers afforded to national highways, the DCR concerning trees. And I just wanted to sort of understand where you are with that. And given we've only got a few weeks till the end, whether you're going to be looking at wanting change or suggesting changes to either or both of those articles, as a result of that advice that you're certainly currently sort of awaiting?

36:39

Yes, we have, we're in the process of receiving the arboriculture virus.

36:47

And it was our intention to submit that in writing to you after today's hearings, there are some suggestions in the draft advice that we've received. But some of the provisions being made by national highways don't go far enough to meet standards, particularly with root protection areas. And that's what we were going to follow up to you in writing on

37:15

would you be able to do something in terms of making sure the applicants got sort of clear sighted as soon as possible. I'm just conscious that

37:23

there isn't a great deal of time in terms of the the timetable left, and just a procedural point, if you could just introduce yourself as well before you speak just for the recording. Sorry. Just that

37:34

is it was Matthew Winslow for a modern District Council. Thank you.

37:44

Okay, thank you for that, that in terms of the articles that we wished to sort of, uh, we had specific sort of questions or or matters that we wish to discuss. That was what we want to do. Yes. So I can see how and perhaps I should have gone back to the applicant before I proceeded on Mr. Carling Phillips. Thank

you, sir. Mr. Hollin Phillips on behalf of National Highways, just in relation to that point where more than District Council, if I could reiterate your request, that that comes across to the applicant, if any, if there's any chance that could be in advance or deadline seven, it means we can try and consider that I'm in advance of our own deadline, seven submissions. And but certainly from what we've heard, it may well be that the matters can be dealt with, in relation to the Riak commitments on root protection areas as opposed to any necessary amendments to the DCO. So I just make that flag now. But some if anything could be provided in advance, it would be incredibly helpful. Thank you.

38:34

Yeah, that that will be helpful to us as well, if those discussions could could take place that'd be about So thank you.

38:42

So in terms of the articles within the

38:46

draft, developing consent order, they were the ones that we wish to

38:50

set had questions and just for clarifications on Are there any other articles that anybody wishes just to raise or discuss at this point?

39:02

So, Michael, I'm curious about Essex County Council. Once again,

39:09

sir, just I should just record you didn't mention article 81. But in your commentary on the DCO PD 015, you proposed additional words in their article 83, which hasn't appeared in the latest version of the draft DCO. We would just like to clear that we continue to support your proposed wording for article 18 Three.

39:48

Thank you for clarifying that, Mr. Humphries. But that's helpful. I can see Miss Harding Phillips, you got your hand up?

39:54

Yes, thank you, sir. Mr. Harley Phillips on behalf of the applicant

40:00

Just to

40:03

remind you so that we did respond on Article 18. In our response to the examining authorities commentary on the draft DCO act as 103. Apologies, I'm getting feedback. I think someone that's been

fixed apologies. Someone in the room had their microphone on. I hope you You heard that, sir. But the response on Article 18 is in our response to the examining authorities commentary, that's as 103. So the only other thing I wanted to mention, whilst we are on the main body of the DCO is in relation to a point that was first raised by my lovely friend, Mr. Humphries, in relation to the need, for a definition of begin within the order as a result of the recent litigation in relation to the tidal lagoon Swansea Bay DCO.

40:55

We are proposing to add in a definition into article to the interpretation section of the draft DCO, to make it clear that when development begins for the purpose of the DCO, the wording is fully in accordance with the definition as provided for in sections 154 and 155, of the 2008 Act. And we therefore propose to essentially introduce wording that makes it clear that begin means as specified in the 2008 Act beginning and to carry out any material operation, forming part of the authorized development, we will obviously provide that drafting in detail, but I'm aware of that, that concern of Essex County Council was outstanding. And we will be amending that in the next draft of the DCA to be submitted in accordance with the provisions that already exist in the Planning Act. 2008. Thank you, sir.

41:52

Thank you for that clarification. Mr. Humphries, I was going to ask if you had any comments that you wish to make on that test. So that's

42:00

when you will have seen our original detailed submissions on this rare 3035 pages 10 to 12.

42:13

Point is actually

42:15

a slightly different one.

42:22

It's helpful and I welcome the clarification the word begin. It means begin by reference to section that 134 and 155 of the blank.

42:37

But in the lagoon, start was a case where as with nearly all the CEOs, to very recently, requirement to always use the word commence, and it was whether commence in some way modified word begin. That particular mischief

43:00

is, of course doesn't doesn't arise here because requirement to doesn't use the word commitment, it uses the word again, but the effect of that is that because of the definitions in Section 130 435, and the regulations,

43:20

virtually any works will begin the developed.

43:26

The effect of section 134 is then that the order does not cease to have effect. In other words, the order remains live.

43:38

But all the requirements in sheduled, two are pre commencement requirements and commence does not have the same definition or as again, now exactly the same wording for a requirement to was put forward for the lower Thames crossing.

44:01

And that the early issue specific hearing for that a few days ago, I asked national highways to confirm my understanding. That wording means that once

44:17

for example, some ecological works or other mining works have begun the development there is no time it

44:26

no time limit on when the development of may commence. Therefore, when pre commencement requirements can be discharged national highways with the same wording on the lower Thames crossing, confirmed that that is their intention. Now, this is actually rather important. Put aside for a moment or the rather difficult legal stuff. What's important for you to understand is you are being asked to make a recommendation on an order that

45:00

Once ecological surveys or something minor of that sort, that don't commence the development once those have taken place, the works themselves commencement could take place first take place in 12 years time

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with all the

45:20

generalized blight and everything else that that would

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that would cause now, first, perhaps I can just get, again national highways to confirm my understanding as they did low 10s crossing the effect of requirements to as drafted, including

45:44

the clarification on the definition of game is such that once begotten by a minor work, the

45:54

the development doesn't have to commence within five years, it could commence in 10 years, 15 years, 20 years.

46:02

So I'll just eat that clarification first, and then I will comment on what we said about that.

46:13

Thank you, Mr. Humphreys, telling Phillips if I can just ask you to pick that up. That'd be helpful. Absolutely. Mr. Hollin Phillips on behalf of the applicant? Thank you, sir, I can absolutely give that clarification that is entirely the point of having two separate definitions one the definition of begin and one for the definite definition of commence. I think in relation to that, it's important to remember that the definition of begin as provided for in Section 154 and 155, the 2008 Act carries the same meaning as under the 1990 Act and Section 56 For which is to carry out any material operation forming part of the authorized development. To that extent, the ability to begin the development is entirely consistent with the way that all planning permissions operate under our planning regime in this country. So there is no difference in this development consent order to how planning permissions operate under the 1990 Act. It is possible under that wording as my Leonard friend has suggested that we could begin the development by carrying out it material operation and not commence it under the requirements until 12 years time. I think that is incredibly unlikely in practice. But that would be allowed, as it would under any usual Planning Commission. And we think that's an entirely appropriate position to be under in this development consent order. Thank you.

47:42

Thank you for that. Mr. Humphries. Yes, I am grateful for the

47:47

clarification, which is consistent with that given for the low term crossing DCO.

47:54

The question then arrives that having been clarified whether you regard that

48:03

as appropriate, or something which is not

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a minor development as a major piece of infrastructure, but having carried out some trial, trenching.

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The effect of the otter

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may not occur for many, many,

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many, many years. That's why what we proposed back at deadline three, in our document, prep 3035, with some alternative wording, it's on page 12 of that document, what we proposed was a double

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time limit, the development had to begin

48:58

the section 154155 definition within five years, but the development also had to commence within five years. Because clearly so many of the environmental effects that you have been given. And I including the traffic effects may be very different if the development first occurs, and it's actually undertaken in 12 years time. Now. It's a matter obviously, ultimately for you and Secretary of State, but it does seem to us that you should at least be aware of the consequences of the current

49:46

the current drafting and there should have been no misunderstanding if I can put it like that if that's what you are being asked to recommend. So those are

50:00

submission is on the back.

50:03

So if I may come back, please do. Yes, thank you. Thank you, sir. Mr. Hollin Phillips on behalf of the applicant, I note the submissions made by my learned friend. And I think it's important to recognize that this definition has been in place in relation to the 9090 Act for some time, time. And of course, the 9090 Act itself does not just deal with minor development, it doesn't deal with Natalie significant infrastructure projects. But it does relate to and cover quite major development that doesn't fall within the ENSET regime. And this definition of begin, and the consequences that my learned friend has identified, have been seen to be entirely appropriate under that legislation for many years. So sir, the applicants position is that we have heard nothing that suggests that the usual planning regime consequences of the definition that is known in the legislation should not apply to this consent. Thank you, sir.

51:02

Thank you very much for that. I think that's helpful to sort of understand the the two sort of different positions on that.

51:10

And and I don't have any sort of further questions or comments on that. So I was just checking my panel members to see if there's anything that they do. But there's, there's nothing on those. I think what that discussion healthy does is sort of moves us on to the requirements if we could then.

51:28

And where I'd like to start is with the previous requirement 14, which is walking, cycling and horse riding bridges, which in the latest iterations of the draft DCR has been deleted, and replaced with a table that's now contained within the design principles.

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What I wanted to just go through briefly was I know Essex County Council have made a number of suggestions to

51:57

that table in terms of their deadline, six comments, and just wanted to sort of go to Essex County Council just sort of get a brief explanation of those and to get a view from the applicant, if they have or where we are, in terms of discussions with those perhaps, Mr. Buggs, you've, you've popped up first. So perhaps I can, I can start with yourself to let me know where we are with us. Thank you, sir. Mr. Hawley Phillips on behalf of the applicant, yes, I've popped up just because I have an update that may be of help to Essex County Council to try and narrow the issues between us. And we had deleted the previous walking, cycling and horse riding requirement, and instead provided the detail within the design principles at the request of Essex County Council. But we understand that Essex County Council would like additional comfort on the face of the order itself, that the design of the scheme must accord with those works that are listed in the design principles. And that it wasn't felt that the reference, just simply back to the design principles requirements itself requirement 10 A gave that comfort. So national highways is happy to have a WCA H requirement that specifically states that the detailed design for the works must accord with the design specifications provided for within Appendix B of the design principles. And we're happy for that to be added as a new requirements. And it's very clear on the face of the order to give Essex that additional comfort, of course, that relates to the wording of the requirements in the order. There are detailed discussions in terms of what those design specifications should be. And I don't intend to go into the technical detail of that today just with it with an eye on time. But I would note that the discussions are ongoing between the parties, and have been, have been very effective thus far in relation to those detailed design specifications. Thank you, sir.

53:52

Thank you, that's very helpful, because certainly that was going to be a question of mine in terms of sort of link backs. And, and I had seen the comments from Essex County Council. So that commitment to a new requirement is noted. Thank you.

54:06

Was there anything that I said county council wishes to add at this stage? And given that sort of, it's always the discussions are ongoing. We're not I don't really want to get into the technical nature of it, but it's just more of a an update and position unless unless there's particular points that you wish to draw out.

54:22

So there are two aspects of this. One is the importance of of securing the WCAG requirements from the base of the order. I'm very grateful to national highways for clarifying that they are happy to have

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a requirement in schedule to securing that. The second point, as you say, is is

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the devil in the detail.

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The proposal is that

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the requirement

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will refer to appendix B of

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the design principles. We have not so far managed to agree those and obviously one of the things that we can't do is amendment, national highways document and therefore, what we will do is we will set this out in our deadline saying submission is that the requirement that is now to be inserted in schedule to refer refers to the WMC H

55:43

infrastructure specification matrix. In other words, the document that is equivalent to the design principles Appendix B, but it's a document that we will produce setting out what we say should be the specification there will be a need therefore, for a new definition in requirements one of scheduled to us to walk on walk in Australian cycling infrastructure specification matrix meaning the document in scheduled 12. That document will need to be mentioned in chapter 12. But the next deadline we will reduce our schedule our specification matrix will be included in the order and refer to the requirement. Unless of course, before then we are able to agree matrix with national highways. But as you have rightly pointed out, we're getting towards the end of the examination

56:45

when it's important that you know what the positions of the parties are, they don't manage to agree.

56:57

Thank you, Mr. Humphries. That's that's helpful. Was there anything on that point that the applicant wish to respond to before I sort of move on to other requirements? Thank you, sir. Mr. Ling, but it's in par for the applicant. Naturally, the applicants position is that that document, as the applicant believes that should be drafted is already secured under the order because the design principles are a certified document in scheduled, 12, and are secured under requirement 10. And indeed, will be pursuant to this new requirement. But we will look at the wording proposed by Essex County Council at the next deadline and seek to come to agreement if we can.

57:37

Yes, so just to clarify, we're not objecting to the fact that design principles Appendix B will or will not be secure. Good, is just that we don't agree with Appendix B. And we can't change Appendix B save by agreement. Therefore, the only mechanism we have to in effect, have our own matrix

58:05

approved by the Secretary of State, unless we can agree it is to produce it as a separate named document. We would prefer obviously, that appendix B could be agreed. But time is short.

58:24

Thank you for that clarification.

58:29

I'm not proposing to sort of carry on with with that in terms of that requirement and that issue that that's helpful to sort of go through that. If we could then move on to the other requirements that we just like to sort of work through starting with requirement 10, which is detailed design.

58:49

Again, there is no real sort of comments or questions. We have seen the applicants responses, there's an element that we suggested in our proposed changes that hasn't been taken forward by the applicant, but we have seen your response to that. So I'm not looking to sort of explore that in any detail. We've got you've got your response on that. But just before I move off that is there anybody who's got any particular comments on requirements 10 on detailed design at this stage?

59:20

I'm not seeing any hands up. So if we could then move on to requirements as he's now number 14, which is boring operation phase traffic mitigation measures.

59:34

Really what we're looking to do sort of get an understanding of where we are between the parties in terms of agreeing wording on this so if I could start with the applicant, please.

59:47

Thank you, sir. Mr. Hollin Phillips on national highways. Just sorry, I'm just gonna interrupt it might be worth because we've got the similar questions on number 15 as well in terms of messing operation so it's just an update. So whether you wanted to give an update on it

1:00:00

14 and 15 at the same time, and then we can go to anybody else if that's okay. Yes, of course. Thank you, sir. Mr. Hollin Phillips on behalf of national highways.

1:00:11

In essence there are there are two issues in relation to the requirements. The first is that the matter of substance and what is actually being provided for under the requirements. And there are elements of substances that are not agreed between the parties. And they relate

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on the first requirement to

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the narrowing that is proposed by Essex County Council

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in relation to main road, and our response to that is in the examining authorities commentary on the draft DCA with as 103. So again, sir, I don't propose to go into the substance of that in any detail, because you have our submissions on it.

1:00:51

The other issue in relation to that requirement, but also the second one that you referred to, is in relation to who is to be the approving body. Under the various requirements. Now, Essex County Council maintain that they should be the approving body under these requirements. And the applicant maintains very forcefully, sir, that it should be the secretary of state. Now we've explained in detail in our response to the examining authorities commentary as 103, a number of very important reasons why it should be the secretary of state, and as it's preceded in most of the national highways orders that have gotten before. And there are very potent reasons for that. And that's provided in our response at DCO. PC 18. Again, Sir, I don't propose to run through those reasons now as you have our detailed submissions on them. But in essence, in relation to these two requirements, as I as I understand it, there is this principle dispute between the parties on the approving body, and then there are the issues in relation to the actual substantive measures to be provided. And you have our submissions on those in our response. Thank you, sir.

1:02:03

Thank you, but but that's helpful to clarify.

1:02:07

Miss Mr. Humphries. Is there anything from Essex County Council at this stage on

1:02:12

as the requirements 14 and requirements 15, which is boring and messing?

1:02:19

Yes, my office again for Essex Council.

1:02:26

Again, on those two requirements in relation to poor foreign and messing there is both the difference as has been pointed out, on whilst the mitigating mitigation measures should comprise, we haven't reached complete agreement on those and therefore we commend to the draft requirements that we set out, most recently in GREP, 6098, pages 10 to 12 in relation to quorum and page 12, in relation to

1:03:11

massive impact is page 12 and 13. In relation to

1:03:15

messaging we say that those are therefore more primitive form of wording for the two requirements, as far as

1:03:26

as far as who should be the approving body has was very fairly pointed out. It's only in relation to most national highways DC is that it is the secretary of state clearly there are some where the Secretary of State did not think that appropriate. And we think the reasons we've sent out in detail in our evidence that this is a circumstance where we as the responsible Highway Authority for these particular roads, that shouldn't be the body that approves the detail.

1:04:12

Thank you very much for that.

1:04:16

Mr. Herring, I see you have your hand up

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and come to you. Thank you. Yes, Andrew Harding, Mia AG. So very quickly like to point out that in relation to the mitigations that are being suggested, and I agree whilst it doesn't change his position on the main alternative does actually support or ECC, that staying and we are pleased to hear their determination to at least try and help us situation as far as our village is concerned. So I'd like to call it that we do appreciate what they're doing. And we do actually support their position on this. Thank you.

1:04:53

Mr. Salinas appreciated. Thank you very much for that clarification that submission

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I'm not proposing to sort of do anything further than on 14 and 15. The positions from from the parties and where we think is clearly set out in what we've got so, so that's helpful.

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If we could then move on to

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requirements 16, which is operational monitoring, and it would just be helpful to do the same exercise, actually, just to sort of understand where we are, again, we've seen the comments, but just to understand where we are with, with discussions on any agreed wording on that. So if I could go to the applicant, howling Phillips, please.

1:05:34

Thank you, sir. Mr. Howling Phillips on behalf of the applicant. So as you will note from our response to the examining authorities comment tree at as one a three, and that's DCO PC 20 as the wrap of this specific reference, and the applicant agrees in principle with the idea of monitoring. And the issue is that the applicant is not an agreement with Essex County Council on the consequences that would need to flow from that monitoring. We have discussed at length in the various hearings previously, the reasons why the applicant does not agree and with the consequences and they relate to the ability to apportion in inverted commas blame as it were, for whatever the monitoring may show to the scheme. Now, we're aware that Essex County Council have provided in their representation on the 23rd of May, and proposals on on how that

1:06:30

lame in inverted commas could be apportioned. But the applicant remains of the view, particularly due to the large number of proposed housing developments close to the roads affected by the scheme, it will not be possible to fully separate the traffic growth caused by those housing developments from growth caused by the proposed scheme.

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And whilst it is possible to monitor and analyze effectively, there is a level of uncertainty around the extent to which the proposed scheme is responsible for observed changes. And as such, any consequences of monitoring as proposed by etc. And the draft requirement is not appropriate in this drafting. So we maintain our previous position that the drafting as provided for in the deadline six DCO. Is that which is appropriate in this context. Thank you, sir.

1:07:24

Thank you very much for that.

1:07:28

Mr. Humphreys. Was there anything from Essex County Council in particular on on this operational that you wish to raise?

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Yes, Michael Humphries, for Essex County Council,

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given this aren't going to put a finger on the essential issue, which is the difference between the parties on whether having carried out the monitoring of the effects of the scheme.

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There needs to be some provision and that if there are effects, which were not foreseen in the transport, assessment and other documents that

1:08:14

national highway should be responsible for mitigating

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those, we clearly think that that is important. It's a corollary of the need for ongoing mitigation. That little point in simply telling us, we've got a problem.

1:08:36

We will presumably know that the point is to monitor to work out what rather than what is causing the problem and then mitigating that. And as we have pointed out, you know that there clearly is precedent in other DCO. So I think we've given the example of the A, or TVA through three and the silver town title, DCA is where similar requirements have required

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mitigation or these mechanisms to agree, mitigation and as the County Highway Authority, we think that that is wholly reasonable, and that national highway should have to mitigate the adverse effects of its scheme.

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Thank you very much for that.

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Mr. Taylor.

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Reuben Taylor national highways. So just to come come back on that.

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The key point that my learning friend just made is that the

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the National Highway should mitigate the effects of its scheme. The difficulty that we have, is very simply this despite the document that ECCS put

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by ID, there is nothing in it no methodology whatsoever that enables one to tell when a traffic flow rises to a particular level whether speed is caused that it is the scheme, which is causing the particular problem. No methodology is provided for that whatsoever. And so that is the essential difficulty is that

1:10:24

ECC has been unable to identify any mechanism whatsoever for attributing causation or changes to the scheme. If that could be done, then no doubt the scheme would, would mitigate. But it can't be done, because of the growth that we're anticipating, and all of the potential causes for changes in flows and traffic and the nature of traffic on the network. Thank you very much.

1:10:53

Thank you for that clarification. And I've got a handle it from side mystery legends. I've got a handle from Councillor Evans, but I was going to come to you first. Mr. Humphries. And just to let consumers know I've seen your hand but I'd just like Essex County Council to respond to that first. Yes.

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So, we do accent on tape technical note of grep six 100 to start allow the identification of the issues and attribution of boards that is the point of the continuous monitoring the various slides to see how traffic

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is diverted and deflected. This methodology is not frankly all that dissimilar from what national highways itself does in its traffic modeling for the seen the benefit, what we propose is to be rather than just modeling data, we will be getting actual data and by comparing before and after on a continuous and ongoing basis, we will be able to see how flows change and whether the reality

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matches

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the the models now at the end of the day.

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So as I say that what we are proposing is not unprecedented, it is precedented. And what we are asking for now view is wholly reasonable. And I do commend to you rep six 100, the technical note where we have set this out shouldn't be forgotten.

1:12:39

We are a highway authority ask ourselves we do have after say some considerable experience in these sorts of matters and have gone to the trouble of setting out how this can be done. Thank you, sir.

1:12:57

Thank you very much, counselor I've inspected come to you.

1:13:03

Yes, I would like to speak as Councillor Evans of fearing parish council.

1:13:09

We are concerned that actually in we've got the right answer to all 16 local traffic monitoring that there is actually the locations that we have requested in fearing, which I understand Essex County Council agree with which is called pit corner and Hines bridge are not actually included in the draft DCO.

1:13:31

And the latest submission from Essex County Council did appear to agree some of the other locations that parish council had suggested, which was cookie shore road peering cookie shore road Kelvedon and London Road Kelvedon of London Road theory. And these don't appear in article 40 whether

they're going to appear or whether they appear somewhere else. I'm sorry, I don't have the expertise to now.

1:14:02

Thank you for that. I think well we'll ask the applicant to clarify but before I do have another hand up.

1:14:07

I can't quite see who the other hand is up from unfortunately. I think it was Malden District Council. I think

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it was yes. If I could continue.

1:14:23

Hello, yes, it's Jackie Longman from Malden District Council. We just wanted in support of Essex County Council's

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monitoring of sites during the construction phases and also post operation of the project that the monitoring isn't purely you know to apportion any blame or or to look at, you know, the impacts of future growth but at the moment, and with specific

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reference the site to the Duke of Wellington mini roundabout in Hatfield, Peverel. The current level of service is D, which is poor, there's going to be a new bridge that's going to link to the Duke of Wellington mini roundabout. There's also going to be a new junction. At that junction at Malden Road, all the traffic is expected to turn right to join the

1:15:25

junction 21 whether it travels south, or north bound, so IE where it used to

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turn left to the existing junction 20, which will close there's an awful lot of uncertainty in the modeling. And the monitoring or Daschle, basically, you know, is this the reality of the modeling? And I think it's it's fair and reasonable, you know, to to have that modeling, and to have that monitoring to progress from the commencement of the project. It's not just purely based on what growth may happen in the future, and who to apportion the blame to thank you.

1:16:11

Thank you that that's helpful.

1:16:13

If I could go back to the applicant, not sure Miss Carling Phillips thank if you could respond to those in particular, I was going to ask myself the the point that Councillor Evans raised because I was aware

that a number of other locations that had been suggested by other parties. Thank you, Mr. Hawley Phillips on behalf of the applicant, if I could just reiterate for the benefit of Malden, the applicant does not disagree with the inclusion of monitoring itself. Monitoring is proposed by the applicant in the requirement and the draft DCO gets the consequences of the monitoring that is in dispute with with ECC in particular. So in relation to the locations of the monitoring the locations listed in the requirement as drafted, or those that were raised by Essex County Council in their local impact report, and that local impact report has formed the basis of the locations. Since that local impact report other parties have suggested other locations where monitoring should be undertaken. However, the applicant is of the view that monitoring is only necessary in those locations as provided for in its graph DCO as submitted at the last deadline, so thank you.

1:17:26

Okay, thank you. Thank you for that.

1:17:31

What I'm going to suggest is that we've been going for an hour and a bit, and what I'd quite like to do, but Councillor Evans, we just got one one final point

1:17:46

during parish council obviously don't agree with national highways contention of leaving out fearing locations and attention has been directed to the national planning, burn the NP s es statement. And I would point out in that that it specifically says that local plans should be taken into account. And there has been

1:18:11

a reluctance to take local plans into account adopted local plans, specifically the Strategic Growth location at fearing. And it should be noted that national highways did actually change.

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The had a specific separate consultation which was then

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not relevant anymore to change routes to take into account the proposed darkened community at marks Tae. So it seems perverse that there was willing to take a complete change to the a 12 planning and plans to take into account the proposed garden community. But there's no willingness to undertake changes and take into account matters that are in the adopted Braintree local plan now. Thank you.

1:19:03

Thank you very much.

1:19:05

What I was going to do is just sort of perhaps come back to Essex County Council and see whether they have a particular view on the alternative locations.

1:19:14

Are there I can come to Mr. Humphries on that and whether that's something that you support?

1:19:22

Yes, I mean,

1:19:25

it is entirely right to say that locations identified with those originally in the heart local impact report. However, we would emphasize that clearly a lot has happened during the course of the examination and there are other locations as we have been packed, I think discussing the national highways that would be appropriate. I'll just hand over to Mr. Parr on my bride who can just put a little bit of color to that.

1:19:55

Thank you, sir Billy bathroom at the county council. As Mr. Humphrey says

1:20:00

The initial locations that were set out and had been agreed by the monitoring were detailed. In fact reports which remember, and I think we submitted a deadline to.

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Since that point, there has been lots of further discussion about the impact of the scheme. Additional assessment has been undertaken about impacts, in some cases, we've had over engagement with stakeholders, including, for example, with hearing hearing parish council about some of the concerns they have about the impacts of loss gain.

1:20:32

And there's also been further discussion about the proposed speed limits and national highway the detailing on some of our local roads, a combination of all of that consideration, and verbal discussion has been that we think additional monitoring locations need to be considered. And we've detailed those locations within a call to one

1:20:53

of the technical level be submitted a deadline, see who's read these 100.

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So I think our contention is that if the proposed wording of that requirement is reflective of what we put forward within our deadline six mission that allows

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those additional monitoring locations to be agreed and considered, and we're very much supportive of the information being wired to reflect paperwork.

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Thank you.

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Thank you, Mr. Parr, that that's helpful.

1:21:29

What I'm going to suggest is that perhaps we may well take a break, but can I just check with the applicant as anything that they just want to say just on this sort of

1:21:37

item before we on sort of our 16 Before then sort of move for a break? Thank you, sir. Mr. Hawley Phillips, on behalf of the applicant.

1:21:45

Thank you to Mr. Parr, for that explanation. And I think I think it's best in terms of the time that we have available today that those discussions happen offline. And in relation to the monitoring locations. I'm aware that discussions are happening between the parties in relation to the other locations that have been proposed. And we can update you and our deadlines having submissions. And so just to put down a marker, it is not the case that the applicant has ignored adopted local plans, all adopted local plans and national planning policy has been taken into account by the applicant as relevant to the ENSET process. And that was fully demonstrated in our application documents, as you'll be well aware, sir, thank you.

1:22:23

Thank you, that's helpful. What I'm going to suggest then, is that we perhaps sort of take a short break we pushing on through the agenda, but perhaps I suggest we try to take just over over 10 minutes and time is now 1122. And perhaps we come back at 1135. So that's just over 10 minutes. So these hearings adjourned at 1135. Thanks very much.