

Transcript_A66_prelim_session1_29112022

00:29

Good morning everybody.

00:32

We start off I think the answer is yes, but Can everybody hear me am I coming through loud and clear Good, good start and can also confirm that live stream has commenced

00:45

has has.

01:13

I wasn't clear as the as the live stream commenced.

01:17

It has good, thank you. So it is now 10 o'clock and welcome to this preliminary meeting, which precedes the examination of the proposed a 66 jewelring project works proposal. My name is Richard Allen. I'm a charter town planner. And I've been appointed by the Secretary of State to be the lead member of the panel to examine this application. And from left to right, if I could ask my colleagues to introduce themselves. Please help, please.

01:48

Good morning. My name is Neil Humphrey. I'm a chartered civil engineer and I've been appointed by the Secretary of State to be a member of this panel.

01:56

Good morning. My name is Mary Louise Milliken. I'm a chartered time planner and I have been appointed by the Secretary of State to be a member of this panel. Good morning. My name is Steven Roscoe. I'm a chartered civil engineer and I've been appointed by the Secretary of State to be a member of this panel.

02:12

And together we constitute the examining authority for this application. For those joining online in the arrangement conference and those who are present in the room, you'll will or may have already spoken to barbell Kodiaoq, who is the case manager for this project is supported by Steve Parker and other colleagues from the case team at the planning Inspectorate spectrum. We also are joined by colleagues from Bristol today who are here purely to observe the proceedings, and will be not participating in any discussions on the merits of the case or otherwise.

02:46

Before we consider the items on the agenda today, we will need to deal with some housekeeping matters and general observations I will try to get through those as quickly as possible.

02:58

If I could just ask you to check mobile phones are off for silent please.

03:05

I am told there is no fire alarm testing due today. So if it goes off, we are experiencing the real thing. And the fire exits I believe are to my right and to my left and also out the main door. Anyway you see a door basically it's the fire exits.

03:25

I do need to do with some general data protection regulation matters. You will note from the excise letter of the 17th of October 2022, which we refer to as our rule six letter from here on in this event is being recorded, as well as being live streamed to instruct interested parties who have requested this this, the digital recordings are retained and published.

03:51

And they form a public record

03:54

and can contain personal information to which the GP or GDPR applies. The planning inspectors practices retain and publish recordings for a period of five years from the Secretary of State's decision on this application. Consequently, if you participate in today's preliminary meeting, it is important that you understand that you will be recorded and they will and therefore you consent so the retention and publication of the digital recording recording. We will only ever ask for information to be placed on the public record that is important and relevant to the planning decision and will only be in the rarest of circumstances might we ask you to provide personal information of the type that most of us would like to keep private or confidential. Therefore to avoid the need to edit additional recordings. We would ask you to try your best and not add into the public domain

04:53

information that you would want to keep private and confidential such as your addresses or things like that. There's any

05:00

Anybody have any particular questions on the GDPR?

05:04

Good, thank you. This meeting will follow the agenda as set out in the rule six letter dated Monday the 17th of October. This letter is on the planning Inspectorate website and can be found on our examination Library Reference PD 006. And I hope you have a copy of that letter today. Annex A of that letter is the agenda for this meeting. And we're currently on item one, one, and is our intention to stick to to this in order the order is set out, we have a list of those interested parties who have

registered to speak and attend attend this meeting meeting. And the items you wish to speak against, not talk about that a little bit later. But later, the XA will introduce the agenda in turn and make introductory comments to them. Once that has been done, we will then invite those parties that have registered to speak on that item. We will then invite comments from other parties on that item if they wish to do so. So if at any point you wish to speak against an agenda item or you subsequently think of another point, we will ask you to raise your hand. And if you're online to raise the Microsoft team's hand please hand raising function. And we will come to you come to you. Once we have heard your comments, we will move on to the next item on the agenda. On that note, please be advised that the MS chat function on teams is disabled and cannot be used. And so all comments must be made orally to the XA.

06:42

Pm is scheduled the preliminary meeting sorry is scheduled to finish at one o'clock and we are confident in concluding all matters by then Why then should the preliminary meeting take the full allotted time, we may need to take a mid morning break at around half past 11. But we'll see how the agenda is going and how we're doing we're doing.

07:01

Are there any comments about the procedure? So far so far?

07:06

Okay, thank you.

07:08

Now, you're here today, because you are the applicant or representative of the applicant, you are represent you represent the host or other local authorities, you represent bodies that are statutory parties, you sent in a relevant representation, and therefore you have become an interested party party. You're an individual or body affected by the application for compulsory acquisition, or have rights over land, land, or any one of a number of those categories. There may be also people here that are not covered by those descriptions, which whoever it is, you're all very welcome here today.

07:48

If I could just take a few moments to explain why we're here today. So we're here today to focus on the way in which we intend to examine this application. We will be discussing only the procedural aspects of this examination today, much as it might be tempting to do. So we are not taking evidence at this meeting and not discussing the merits or any concerns you may have with the application. Those discussions will only be considered once the examination of this application begins, which follows the close of this meeting. And you'll see from the draft timetable, which we'll come to later in this agenda agenda, which is set out in Annex II of the rule six letter that we have a series of hearings

08:33

following this meeting one this afternoon, and others the rest of this week.

08:40

This is a working meeting. And in running it we intend to temper efficiency with fairness and mean to allow you all to have your say

08:50

if it is relevant, and to allow you to inform us all we need to know at this stage, however, we will endeavour to make sure that your and our contributions are as to the point and as focused as possible, so that we may make the best use of time available and to allow everyone who wishes to speak to have the opportunity to do so, and we hope you will support us in that endeavour.

09:14

The recording of the preliminary meeting, as I said will be placed on the planning Inspectorate website as soon as practicable after the close of this meeting. Please also bear in mind that this is the only official record of proceedings and the notes and notes and the audio recording that will be placed on the planning inspectorates, websites, tweets, blogs, and others. Similar communications arising out of this meeting will not be accepted as evidence in the examination of this application.

09:45

As I stated earlier, as I do have a list of interested parties who have registered to attend the preliminary meeting, either in person or online and those who have requested to speak against which item I could

10:00

See that the applicant and the relevant authorities are present present. And I also have the list of the other interested parties who have requested to speak speak. And it is our intention to come to you as we go to each item on the agenda agenda.

10:16

For the purposes of the recording, when you do speak, if you could state your name, please. And your interest in the case, for example, if you're a local residents, then please say you're a local resident, or if you represent a body, please do say so.

10:33

For those people watching the live stream, can I also advise you that if we do take a break this morning, we will have to stop the live stream in order to give us a clear recording files file. As a result at the point in which we recommend a meeting and restart the live stream you will need to refresh your browser page to view the restarted string and I will remind you of that later on later on.

11:04

Now, before we come to the agenda, I wondered if I could just clarify some pronunciations and some of the place names here so that we're on onto a good start from the beginning. Now, I understand many, many of us from the south pronounce where we're sitting with it's quite wrong and rather funny. I believe that even on the news it was Barnard castle, but I understand it is Bonnard on it. Is that I got that right.

11:34

Thank you. Start with that one. Okay, okay. The next one is not far from here. I will spell it out because I've heard it pronounced differently. The R t o k e byy. Now does someone want to tell me how that is pronounced announced? Is it wrote V rook B Rokeby?

11:56

Rook B? Be that okay

12:03

thank you various people have said it differently. I want to make sure I've got it right.

12:08

Okay, the next place is is up at scheme six area spelled la ng ri G G. Is that how it is language language? Is that correct language? Okay.

12:24

And then FL It Holme is that flit home time.

12:31

Yeah, I know these might sound obvious but it's important to get it right and it right.

12:37

Flip them flip them

12:45

thank you. Thank you.

12:49

Now we know broth from Bruff Castle because we have visited there. But the B ugh a mam. Now that we I have had that as buffer more broomed. Now I'm not sure which it is. So again

13:15

okay, that's broom.

13:18

Thank you.

13:24

Thank you. I don't have anything else as any my colleagues want to have anything that they want to clarify spelling's? No. Okay.

13:34

So is there any comments on the what I've just said on the introductory mark before I move on to the next item on the agenda?

13:43

Okay, thank you. So if we could turn to item two on the agenda, please. And that is the examining authorities remarks about the examination process.

13:56

So Annex B of our roll six letter, you will see that the XA has made written comments on how we intend to carry out the examination

14:06

that has gone by I would have read that out completely. These opening PMS but thankfully you don't have to hear that anymore. It's all there. In writing. I don't propose to read it out at all. But I would just like to draw on one of the points made and just stress out the importance of it. And that is to with the deadlines. I just wanted to say it is really important. The parties stick to the deadlines as set out in the draft timetable, and that they are adhere to late submissions reduce the time that the XA has to read and if necessary, ask questions on it and IPs to respond. submissions that are late are only accepted at the discretion of this examining authority. And if we feel it would cause procedural unfairness, we do have the right to decline

15:00

and to accept it. So I just wanted to please

15:05

set out that to adhere to the timetables if you can.

15:10

Now I can see that the applicant, I think I had to have eaten District Council down to speak against this, but I understand that you may be speaking as one I'll come to. And I've got a Miss Rebecca lash from transport Action Network to speak against that item is Miss latia. You here she is

15:33

she online? Yes. Thank you. Okay. Well, Mr. Lush, I'll come to you at the end of May. But if I can start with the applicant, you wanted you to speak against this item. I could ask the applicant to say what they wanted to say.

15:48

So good morning. My name is Rob Lowe. And I'm a partner at Pinsent Masons law firm. And I'm instructed by national highways limited the applicant in this matter. And good morning to you all. The only point we wanted to make on item two was to draw attention to the issue of accompanied site inspections, which you do cover in Annex B towards the end. And in our response to your rule six letter submitted on the 16th of November, we did raise a clarification about the dates relating to accompany site inspections. So I want to just to draw attention to that. And I imagine you'll be letting us know your response at some stage.

16:31

Yes, this is over a date. I think we're in Annex D and we will come on to talk about that. But But yes, there was a once

16:41

jumping, but yes, we'll clarify that at that point.

16:45

Can I turn to the local authorities, then I did have three people down.

16:51

Speaking for Eden, but I believe that position has changed as someone's speaking for all of you, I believe. Yes. Hi, I'm Michele spark. I'm a partner at Wegmans and I act on behalf of Eden District Council, Cumbria county council, North Yorkshire county council. I'm Richmond sharp District Council.

17:13

And in relation to this item, it was really just to reiterate what we had submitted on a real six admission. And I don't think and I've not got instructions that I need to raise anything else at this stage.

17:27

Okay, thank you.

17:29

If I could ask

17:31

Miss lush from transport Action Network. You've also registered to speak against item two, you wish to now say what you want to say.

17:45

Your microphones off.

17:50

Good morning. Sorry about that. And I have three questions. Do you want me to read them out?

17:56

Yes, if you if you like Yes, please. Okay, so um, it specifically on this item two, examination with this. Okay. Okay. Yes, please read your questions out. Yeah. Okay. With the examining authority, please consider notifying interested parties when there are any written questions directed at them specifically, and the deadline for their response. Some interested parties will miss questions that are directed at them due to the substantial volume of material, which is produced examination unless they're notified personally.

18:35

I've just seen this at previous examinations, where specific questions have been raised towards particular interested parties, but they are, for instance, transport Action Network, we weren't notified. And the questions were varied within, you know, huge long documents containing many dozens of written questions. And so I just think it'd be a very good and important courtesy to notify interested parties if questions are directed at them specifically?

19:08

Well, we haven't issued any written questions yet. But yes, when we do, the questions are usually set out in that they're uniquely numbered, and then they have who that question is directed to. And then the question next to that, the majority of them will say the applicant on it and usually examinations, but where, where there is directly to say if there was a question to you, it will quite clearly say that. But nevertheless, I hear what you're saying about the being notified. And I will speak to the case team about whether that can happen. That would be extremely helpful if just a quick email. Thank you. Given the many this is my second question, given that many people will be attending hearings online, because due to the huge geographical spread of the route stretching 50 miles, how would the examining authority ensure that

20:00

Those attending online will not be at a disadvantage on those who can attend to the person just channel highways. Yeah.

20:10

Well, I'm hoping that nice speaking to you is evidence of that. But people who are online who register online, are treated exactly the same way, I have a screen to the right to the side of me, I can see you can see everybody who's online, we have the Microsoft team function, I can see where the hands go up. So

20:30

all communications go out to all interested parties, they have the option to to attend either in person or online. And they're treated exactly the same, whether they're here or online.

20:40

I think that's all I can really can say on that. That's really helpful to understand the context of what you can see.

20:49

The examining approaches to

20:52

action

20:54

be dealt with

20:56

submission, be kept separate sections.

21:01

You may have to repeat that, because you broke up quite a bit in that, and I didn't quite hear the question, if you could. Could you say that again, please? Yeah, sure. And also for the case team, I'm getting an echo on my end, as well as it's quite disconcerting. How will the examining authority deal with the eight different sections of the project? Will they be dealt with all together? Or will submissions and responses be kept separate the different sections?

21:30

Do you mean in questions that we ask or how we examine it overall? How you examine it overall? I can just see this getting very confusing.

21:39

Well, we'll list I think we'll try and reassure you to say we will try not make it confusing. We will try and certainly, I think it largely depends on what it is. If we are talking as we are like tomorrow, where we're going to be talking about the specifics of scheme aid and the alternative route options, then you're talking about it specifically within the each scheme. But if we are talking more about, for example, hydrology monitor modelling, then that may apply to the scheme throughout it may apply to the applicants, baseline surveys, for example, and they will, they will cover the scheme as a whole as opposed to individual schemes. So I think that's a difficult question to answer because I think it depends on what it is we are questioning. But I think naturally, where we will talk generally about things they will be screen based because it may be that we're talking about the North Pennines, AONB, which, of course, is around scheme six. So I think it depends. What it is we're talking about is what I would say and what and it may be more appropriate to deal with it as the scheme as a whole. To have the panel decided that when you're referring to certain sections of the route, you'll refer to them by number rather than by name. We can do both.

22:59

We can do both.

23:01

Not know what section six refers to my understand. And I think we'll we'll seek to make sure that when we talk about a section number, we'll give it the name the applicant has given it as well. Okay, thank you.

23:15

Okay.

23:16

Thank Thank you, Mr. Rush. There's anybody else who wants to talk about item two, five, move on.

23:23

Okay, thank you very much. So if we can move on to Item three, please. And Mr. Humphrey.

23:30

Thank you, Mr. Allen. But for this section, please turn to Annex C of the rule six letter. Annex C sets out the YECs as initial assessment of principle issues, we are required to do this under Section 88 of the Planning Act 2008.

23:48

The principal issues have been compiled alphabetically and not in order importance. This annex is neither a comprehensive nor exclusive list of principle issues. It is an indicative list as we start examination, but it does not determine the scope of the examination. It will inevitably be the case that other issues will arise during the course of the examination which appear to be important and relevant, and those other issues will be considered and examined thoroughly. When that happens, equally, issues on the list may turn out to be not as important as they appear to be now. It should also be noted that a number of principal issues have an interrelation ship and overlap and these will be reflected in the examination.

24:37

I can see there are a number of people who have registered to speak on this firstly, the applicant that I hear from them.

24:47

Thank you, Sir Robin for the applicant. There was one point we wanted just to make in relation to the initial assessment of principal issues and that concerns paragraph five the environment

25:00

The Management Plan or the imp.

25:03

I'm aware that we'll be considering this in hearings later this week, notably, issue specific hearing number two.

25:12

But we thought it be helpful to comment now on the way in which this principle issue is expressed in Annex C.

25:24

Annex C refers to in what is a relatively new approach.

25:28

The issue is to consider the principle and appropriateness of the EMP as a means to mitigate the effects of the proposed development, the scoping assessment of the measures contained there in and finally, the appropriateness of the so called self approval process.

25:45

The comment we had to make was, was that

25:49

we quite accept that the use of the what we call the self approval process in the amp is a relatively new approach in relation to develop consent orders clearly in other

26:05

areas like Town Country Planning, local authorities often issue their own approvals for their own schemes, but we can't accept that in relation to develop consent orders, that is a new approach, what what is not a new approach in relation to develop consent orders is, is the use of of an EMP as a means to mitigate the effects of development that is a well tried and tested approach. It is really therefore, the, the novelty or the relatively new approach, we say is confined to the appropriateness of the so called civil approval process. And indeed, the appropriateness of the proposal by national highways that the EMP

26:48

should should should be the sole way in which mitigation is contained, as opposed to mitigation being within the EMP and in requirements set out in the DCO. So, that was the point wanted to make the novelty is not relation to the EMP as a whole, it's in relation to the self approval process. And the fact that the MP is proposed to contain all of the mitigation obligations, rather than being split across the MP and the DCO. itself. So we want to just to make that clear, so, okay, I understand. So what you're saying basically, is the new approach refers to the third bullet, the first two, yes, I understand that. Thank you.

27:37

Could you introduce yourself? My name is Emma Nicholson.

27:43

If we're dealing with the self approval process, on national highways for the benefit of lay people here, elaborate on that and explain what it means. It's very difficult for lay people to address that tomorrow, if they don't actually understand. I think we're gonna go into some detail in the environmental management plan on isa two, which is on Wednesday. And that's the appropriate place to do that this is purely about procedural point. Yes, farmers have that if there's a way that national highways can circulate to lay people what it means, then we'll be better able to address it. In that issue specific hearing.

28:22

All I can say to that is I can only ask the applicant whether they can consider to do that.

28:30

Robin for the applicant, so I can if it would help just briefly summarise now.

28:38

I mean, I think no, I think this is about the procedure of it, rather than all the content of it. And what that question was about was the content of it. So I think I think what she was asking is could she before the meeting on Wednesday, have some further detail? I

28:54

think it's Thursday. So Thursday, sorry. We I'd be happy for someone to have a discussion with the lady and private and catch your name.

29:04

We can certainly do that. And at the beginning of the hearing on Thursday or the agenda item concerned. We can certainly for the benefit of all attending the hearing both physically and online. summarise what is this self approval process that is being referred to but we can do both? Yeah, thank you

29:29

could I move on to go even District Council on this item as well?

29:38

Shell spark on behalf of Eden District Council North Yorkshire county council richmondshire District Council and Cumbria county council I've just been instructed. We have no further comments other than the information contained in our letter reference PDL Flash 015. Thank you. Thank you.

29:57

And I have a miss Janet Belfield of Sport England.

30:00

Hello, I hope he's online.

30:04

I am Good morning. Good morning. My name is Janet Belfield, I represent Sport England, Sport England would welcome an opportunity to work on a statement of common ground with the developer so that we can understand the approach to the mitigation of the impacts on playing fields.

30:22

Okay.

30:25

Again, I think that's probably something I can ask the applicant to, to take account of and look into.

30:32

Robbie are in for the applicant. Yes, thank you, sir. We didn't know Mrs. Belfield letter on the 15th of November mentioning the proposed standard of common ground and we're very happy to agree to work with Sport England to produce one. Thank you.

30:49

Because I have the thickness Bell Thank you. Thank you. Yes.

30:54

And I have a Miss Katie Moffett of Network Rail was also online.

31:00

Yep, I'm here. It's Katie Moffat acting for Network Rail and I worked for eversheds Sutherland and it's just

31:13

unconscious this is very much about procedural matters.

31:17

So it's just

31:19

Oh, sorry. I'm getting ready to speed

31:24

I think it's because of

31:37

I'll try and speak and see if Yeah, I think that's that's a bit better. Can you hear me?

31:46

Yes, yes.

31:50

So I'm conscious this hearing is very much to deal with procedural matters. So just wished to provide a really brief update and then move swiftly to procedural matters that weren't rails the statutory Undertaker responsible for maintaining and operating the country's railway infrastructure and associated estate. Network Rail owns and operates Great Britain's railway network and has statutory and regulatory obligations in respect of it. And Network Rail it aims to protect and enhance the railway infrastructure. And therefore any development which is proposed on over or under the railway network are adjacent to our which interfaces with the railway network are potentially effects network rails land interests will be carefully considered. Network Rail does not object to this scheme per se, but just has the following principle issues at present which are in the process I think have been resolved. And so the proposed operation of powers contained in the draft desea. authorising the promoter to construct operate and maintain works on across and above are adjacent to network rail's operational railway, which may impede network rail's ability to ensure the safe, efficient and economical operation of the railway network. The proposed separation of powers contained in the draft current draft desea, authorising the promoter to compulsorily acquire land to compulsorily acquire rights in Overland extinguish rights in land or take temporary possession of land which forms part of network rail's

operation of railway land and which Network Rail relies upon for the carrying out of its statutory undertaking, and the absence in the current draft DCO of protected provisions for the protection of Network Rail and network rails operational, railway and associated railway infrastructure. Significant progress has recently been made as a result of meetings between national highways and Network Rail, which resulted in an assurance being provided by national highways on Friday the 25th of November in the following terms. National Highways will include network rails protected provisions in the next draft of the audit to be submitted into the examination. These protective provisions were provided to and accepted by national highway solicitors and this assurance refers to these specific provisions. This will manage the interface between the proposed development and network rails operational land as well as protecting Network Rail and its compliance with its statutory duties and protect the operational railway and associated infrastructure. National Highways agrees not to use any compulsory acquisition powers conferred by the audit of any of network rail's land or interests otherwise than in accordance with the protective provisions and this will protect Network Rail in relation to the operation of powers contained in the draft order. authorising authorising national highways to compulsorily acquire land to compulsorily acquire rights in our overland extinguish rights or take temporary possession of land and will thereby protect the safe and efficient running of the railway.

35:00

and national highways will enter into a framework agreement on reasonable terms to collect and govern required protective provisions and Asset Protection Agreement.

35:09

national highways have agreed to engage with Network Rail for the purpose of entering these agreements to manage and regulate the construction operation and maintenance of works affecting the operation of railway. Network Rail is extremely appreciative of the provision of this assurance and as a result does not require to attend and be heard at issue specific hearing to compulsory acquisition, hearing one on the first and second of December later this week, Network Rail reserves the right to attend future hearings, and in particular, issue specific hearing for and compulsory acquisition hearing to which are currently scheduled for Thursday, the second of March 2023. If it's determined that these will go ahead, Network Rail, simply request the following going forward in respect to the examination of this application. Mr. Buffett, could I just ask this was specifically about the initial assessment of principle issues, rather than, you know, description of where you are with negotiations. It was it was just that was just a brief update. And now I'm just moving to oh, do do that, please.

36:18

Network Rail simply request the following in respect to the examination to be kept fully informed of the progress of the examination, so that it can get were relevant to its infrastructure and operational railway land, to be given adequate time to respond and prepare representations when necessary to be given reasonable time to prepare and respond to questions received from the examining authority to be provided with adequate time to agree a statement of common ground and our principal areas of disagreement summary statement, if it's determined at any stage in the examination that this is required from Network Rail, and to be given reasonable time for and prepare to be heard at future hearings. If in the examination timetable, if it's considered necessary for Network Rail to attend any future hearings, for example, if progress on the framework agreement would stall for any reason, Network Rail requests

that national highways continue to provide the application in accordance with the assurance given and engage and negotiate to conclude a framework agreement as soon as practicable.

37:21

Thank you.

37:24

Possibly. I mean, I don't expect a full response to that. Just it could you just acknowledged that discussions are ongoing?

37:32

At Robbia, international, I was limited. Thank you, sir. Yes, I can confirm that. discussions are ongoing good progress has been made, as we've just heard, and we will

37:43

proceed with them with all awful haste. So that's all I think I need to say right now. Thank you. Thank you.

37:50

They're the only people I've got my list to speak to this item. Has anyone else wants to speak to this item? I

37:57

don't see anyone saying yes. So we'll move on.

38:02

Not would be 100 over to Miss Mrs. Milligan.

38:06

Thank you, Mr. Humphrey. Can we now turn to Item four on the agenda which is the examining authorities procedural decisions?

38:15

Can I ask that we all turn to Annex D of the rule six letter please.

38:22

Annex D set site the examining authorities procedural decisions that we have taken between our appointment by the Secretary of State to examine this application and the publication of the rule six letter, again was I don't intend to read at the site verbatim. I would like to draw upon some key points.

38:41

Item two.

38:43

On behalf of the panel we wish to thank the applicant the submissions of the general scheme outline plans, which we have found extremely useful. For the purposes of everybody here they can be found on the examination library, and the references are PDL 00 to two Pdl, 009 inclusive

39:04

item for principal areas of disagreement summary statements or plans. We wish to thank the relevant parties for their submissions. However, we would reiterate that the purpose of the plans was to serve the ESA to be made aware of key or principal issues and was not to serve as an early or draft version of a local impact report. For example.

39:30

Item five the examining authority had previously requested joint position statements from Cumbria county council and Eden District Council and North Yorkshire county council and Richmond sir District Council in respect to the transition period with the shadow authorities who will inherit their roles and functions from April 2023.

39:55

We once again thank Cumbria county council and Eden District Council for the submission

40:00

And can I now ask North Yorkshire, North Yorkshire county council and Richmond Sewer District Council to provide a verbal update for the panel please Miss bark. Hi, Michelle spark for Richmond Sheriff District Council, North Yorkshire county council. And I don't have any instructions on whether or not that's been prepared, but I'll take that away and come back to you at deadline one. That said yeah, thank you. Can I please request that you provide a joint written response by deadline one? Thank you.

40:30

Moving on to item six, accompanied site inspection, the applicant and its response to the examination procedural deadline highlighted an error in the date given to the submissions from the parties have suggested locations to be accompanied site inspection should the examining authority choose to hold one this date should have been deadline one Wednesday the 14th of December 2022, as indicated on the following page in Annex D. However, those parties that have submitted suggested locations need not do so again.

41:05

Item nine applicants response to relevant representations.

41:12

The applicant has submitted their response to the relevant representations in advance of deadline one, and these can be found in the examination library, the references of which are Pdl, zero 10, to Pdl, zero, 30 and inclusive.

41:30

In addition to the procedural decisions already taken, the examining authority needs to make the following additional procedural decisions.

41:40

Under Item three statements are common grounds. We also require statements of commonality of statements of common ground. This is a common request in national infrastructure casework, and these are therefore included a various deadlines in the draft timetable, as set out in Annex II.

42:02

We also request the applicant submit a guide to the application, which is essentially a document tracker that illustrates the superseded and live documents before the examination. We have already requested this deadline aid in the draft timetable. However, we are now requesting that a version of it also be provided at deadline five. In addition to the final version at deadline eight.

42:29

We also request that the applicant submit a compulsory acquisition shedule in the examination to allow the ESA examiner authority, the ability to monitor the progress of discussions with affected persons. This is also a common request in national infrastructure casework. And it is included at various deadlines in the draft timetable, as set out in Annex II.

42:53

Now I can see that the applicant has registered to speak against this item in addition to other parties but alternative the applicant first place.

43:03

Thank you, Madam Robin for national highways limited the applicant.

43:13

There were just two points we wanted to make in relation to Annex D and this agenda item. The first referring back to a discussion a while ago in this meeting is just to draw attention to the additional submission that was made dated fourth of October, explaining the scheme numbering and specifically why there is no scheme 10 And that I think might be helpful to the interested party who raised this issue of scheme numbering earlier. So I'll just set out to draw attention to that submission made last month.

43:49

The other point you wanted to draw attention to relates to the applicants response to

43:59

the relevant representations.

44:02

As has been pointed out, the applicant did respond to relevant representations on the 16th of November, in the hope that it would assist the panel assist interested parties, both preparing for today and this week's

44:19

hearings.

44:20

I want to just to draw attention and notify all concerned that there's been

44:27

an addendum and irata submitted to the planning Inspectorate yesterday in relation to the applicants response to relevant representations. And this is because it has come to the attention of the applicant that some relevant representations were unintentionally omitted from the submitted version of the applicants response to the relevant representations. That's the version sent in on the 16th of November.

44:58

And this concerns

45:00

Five relevant representations, which had been reviewed and considered, but had been omitted from the applicants response to representations and those were those relevant representations submitted by Rosalind Evans, r 059. Cycling UK, r 064. HGV Action Group, R 065 Eden rivers trust R R 064 and Barnard Castle Town Council r r 215.

45:36

And therefore, we have in an addendum to the relevant representations response document, which I mentioned has been submitted to the planning Inspectorate provided response to those representations as well. And we've also written directly to those interested parties who have registered to attend the upcoming hearings scheduled for later today through to the end of the week, to make sure that they are provided with a direct copy of the applicants response to their relevant representation.

46:12

That relates to the addendum, I also mentioned irata.

46:19

The applicant has also identified that some of the relevant representation references were mistakenly not included in chapter two of the Africans response to the relevant representations document. And therefore the same, the same submission that was made yesterday also puts that right by identifying those omitted references as a list of a raw data. In a table set out in the documents submitted yesterday.

46:48

I should have emphasised that the matters raised in the relevant presentations concerned, were identified and responded to in chapter two of the documents submitted on the 16th of November. It's just the reference numbers were not

47:03

annotated alongside. So we've we've merely just clarified that to provide a full record. So I wanted just to draw attention to that development yesterday to correct and update the applicants response to the relevant representations.

47:20

Thank you.

47:22

Okay, thank you, Mr. Brown. That's helpful.

47:25

And any questions from the panel?

47:29

Mr. Humphrey, good. Can I just ask on that point? I mean, we obviously haven't seen what you've submitted yesterday. But if it was significant, and it made it very difficult for us and other IPs to read your original response, we may well be asking for a consolidated version of that. I assume that would be acceptable.

47:52

Probably out of the applicant. Sir, if that's what you consider you need, then we can certainly provide that.

48:00

Mr. Allen, thank you, Mr. Owen, just wanted to confirm with you the addendums and irata. They are, in your view, easy to read and sit alongside the original submissions, they are not a large submission in themselves, where you would essentially need to resubmit them as the original deadline, once you're satisfied that they are considered alongside, because I've not obviously had a look at them yet. You said you only put them in last night. But I just want to be certain that are assured that the submissions are are fairly sort of fairly little and that they will sit easily alongside the your submissions of last week. So thank you, yes, I am satisfied with that. Because the omitted response to five irrelevant representations, those responses are set out in in five tables, which can clearly be read alongside the documents submitted on the 16th of November, and then the omitted reference numbers, there aren't a great deal of them. And the table I mentioned that contains those admitted reference numbers just extends to two and a half sides of a4. So I would think so that you will be able to assimilate them without a consolidated version. But if on reflection you would like one we can of course provide that.

49:23

Thank you.

49:27

Thank you. I see that you didn't District Council has registered to speak against this item.

49:35

Hi, Michelle sparks X and on behalf of Eden District Council and North Yorkshire Keynes council richmondshire District Council and Cumbria county council and we have nothing further to add to our submission. And I've previously stated reference PTL dash 015. And if I may I have received instructions on your question earlier regarding the joint position statement. It was submitted to the CAE.

50:00

He's officer by email yesterday on behalf of richmondshire District Council and North Yorkshire county council. So it was just to feed that back. Okay, thank you.

50:11

I have down here that Miss Kate Wilshaw is registered to speak against this item.

50:22

The mic? Yeah.

50:25

Yes.

50:27

I don't know whether this is actually something to raise now. Sorry. Could you just just cables, Policy Officer Friends of the Lake District? Thank you.

50:38

I would like to raise a procedural issue about misrepresentation in the national highways response to the relevant representations. I don't know whether this is something to bring up. Now. I've never been to an examination before. So I'm not sure whether this is something to bring up now or later. I'm essentially in the national highways response to relevant, relevant representations. They're part one of four, they state, that friend of the Lake District was invited to their focus groups at Scotch corner. We have no record of that invite, we have actually submitted a Freedom of Information request to national highways, because we would like to know what they think they sent us. Essentially, we had no involvement in the focus groups from the end of September 2018.

51:29

I'll ask Mr. Allen to answer that question. Thank you, I was only going to say that I'm no doubt the applicant will have will have heard that the

51:38

what you said but if you could let us know a deadline one to put if you could write into us and explain what it what it is, what your version of events are. And and that was clarify that no doubt, then the applicant would have the opportunity to review that. But yes, if you could put those in writing in the next deadline, please. Thank you. Thank you. And just sorry, while I've got the microphone, sparse, if you if

you want to just say you represent the council's. I'm more than happy to obviously have to read them out every time.

52:08

Thank you. If you want to speak for an individual one, you can just say that, but if it's all for, you can just say the council's and we'll we'll have we'll have. And I'm just to be clear, I don't represent \$1 and Durham, I don't represent our own. So if it's the council's then it's all for for but not understood. Thank you. Okay. Okay, thank you. I think I can see that Miss lush, representing transport action network would like to speak.

52:37

If you'd like to go ahead. Yeah. Hi, yeah, this is relevant to Section One of this agenda item.

52:46

So I'm just going back to it.

52:51

Oh, it was about the visuals. That was it.

52:55

And I think it would be enormously helpful for IPs, interested parties, if as well as saying the examination Library Reference number in the chat function. For people who are participating virtually, if it would be enormously helpful if the case team could also put the link to the document. In the chat, I know that IPS don't have access to put things in the chat. It's only the case team. But it would be very helpful to save everybody having to search through hundreds and hundreds of the documents in the examination library, if the if and also having to remember that number, while staying so if the link could just put into the document could be put in the chat.

53:50

I think that's something I'm gonna have to disappoint you and say that we won't be able to do that because the chat function is disabled, here. So you cannot put anything in the chat. All I think all I can ask you to do is when you are participating is if you could have the examination library documents available to you. And then I will direct you where to click on that. or whoever's on the panel will will, you can click straight to it. So if you've got if you go to the project page of the website actually have the library available to you. And then when the reference is given to you, you'll be able to just scroll down and click onto it. I think as disappointing as that may well be I think that's the best we can do. Because as I say there is no chat function available. And so that's the next best so I think

54:41

I mean, if you have an issue of course we will we will wait for you to be able to open the document, but if you have the library available, that is the easiest way to to engage. Okay, yeah, I just can just see circumstances arising where people don't quite catch the number and you know,

55:00

Discussion is moving on for, you know, go fast, and you haven't got the number you can't search quickly enough. So you know, it's very different if you're in the room, and you can ask your neighbour

55:19

I can't hear,

55:22

be clearer in which number we're talking about, and which document and which page. And if we do move on too quickly, by all means, tell us to slow down and we'll slow exactly that will slow down and wait.

55:38

Okay, thank you. Can I ask if there are any other questions for my peers? Only other parties? Yes, gentleman.

55:50

Could you just state your name and who you represent, please? Yes, my name is William Solomon. I'm a chartered surveyor. I'm the managing agent for the Mothman estate, who are the interested party, the landowner of the Mothman state, which is basically section eight based on Rugby Park. If I can raise a point with relation to paragraph six of appendix of Annex D accompanied site inspections, you make reference earlier on to an unaccompanied site inspection that took place on Tuesday, the 20th of September Wednesday, the 21st of September. And having read the report of that, it is apparent that that was only to publicly accessible land. And I have already made submissions, inviting the examining authority to accompany visit to the private areas, principally the park, but also St. Mary's Church, and indeed, the wider historic landscape and estate. And I would suggest that that should take place. Now, rather than being left until the actual hearings, given that at the moment, you have rather a partial experience by only accessing the publicly accessible and

57:19

thank you, Mr. Sullivan. The panel will consider that in due course.

57:24

And make you aware Thank you.

57:30

The lady

57:32

Mrs. Nichols?

57:49

I'm sorry, just on the subject of companied site visits, I understand that the examining authorities inspectors visited at least in hire on the CMD at least new hires are Coby sore, it's described as visiting sliced and holy and

58:06

it is the same issue, you would only have been able to visit publicly accessible areas and not the area that the scheme is meant to go through on the same invite extends for the examining authorities to consider that.

58:24

Yes, thank you Mr. Columbo. And on a separate issue, I have submitted questions. But the layperson, I'm not sure where they slot in

58:35

to your process. Will you? Will it be time at the end to cover questions, because it's quite hard to identify where exactly you would like them to slot in.

58:46

In terms of the agenda?

58:49

What when you say questions, are you I mean, is it questions about the procedure? Procedure?

58:57

Okay, it was probably better to take them at the end, then I would thank you. If you don't think they sit in each part of the agenda, then we'll take them at the end. Yes, I think that'd be helpful. Thank you. Okay.

59:11

Laura drew on behalf of Bilotta Castle Town Council. Can I please confirm? You mentioned earlier that our relevant representation had been missed off. Who that was reported to please because this is the first that I'm hearing of it.

59:30

Can I ask the applicant to respond on that point, please? Thank you.

59:38

Robin for the applicant national highways.

59:42

The answer to that is that a direct response to the relevant representation from Barnard Castle Town Council was sent by email to the clerk of the council. I don't know his surname but it's Martin. There Martin is the

1:00:00

A letter I have in front of me. And it was also hand delivered as well sent by email on Friday, the 25th of November, and it was hand delivered. I understand yesterday to,

1:00:14

presumably Martin Clark.

1:00:17

Thank you very much. Appreciate. Thank you.

1:00:20

Okay, thank you.

1:00:29

Yes.

1:00:33

Thank you, Ross Evans. I was also one of the people that didn't get response. And you received an assurance that

1:00:45

that would be I can't remember the word that you said, but condensed or something so that you could read it and whatever, that bond Castle Town Council have put in quite a weighty document. Obviously, there's mine as well. And it's actually tomorrow morning, that, that we're going to hear about the rugby junction. So it does concern me a little bit that these, you know, that the the inspection inspection panel hadn't hadn't seen any of the these responses

1:01:18

the the initial relevant representation, we will have seen the one that was submit submitted by yourselves, we will have seen those, it's the applicants response to those relevant representations which, which they have, which we've if they've been omitted, specifically, then we will get to discuss that tomorrow. Anyway, if it hasn't been, if we've not seen that, then we'll get them to orally say, but if there are any sort of ongoing issues, I perhaps I could ask the applicant either outside of this meeting to perhaps talk to those persons and

1:01:54

and sort out if there's any miscommunication on the way. But in terms of the read of the original relevant representation, yes, we will have will have seen that. And I would have thought that would be most important to you that we've seen what it is, you've had to say. So

1:02:10

if hopefully, you're rest assured from that, anyway.

1:02:16

Okay, Miss Nicholson?

1:02:20

Could I just seek clarity, the national highways have mentioned five, or that they haven't responded to you? And they've responded directly before today in writing.

1:02:32

But neither I or any of my family members who've submitted relevant representations have received a direct response.

1:02:40

So I just ask on what way do they communicate the response?

1:02:49

Read,

1:02:51

any committee communications are submitted into the examination. So where you would have submitted a relevant representation to us, and the applicant responds to that irrelevant representation. Again, it come is published, it's sent to us and it is published on our website, if I could just finish and given a examination Library Reference equally, then if you want to then respond to that and pass further comments. Again, they will be submitted at each of the deadlines and then published, so they're not. They're not unless they want to, but the process is, is it's submitted, it's an examination to an application. So everything has to be submitted to us and published. It's not private communications going between you and the applicant is especially if he wants to be seen as part of the examination.

1:03:39

How'd you become aware then that it has been or the deadlines given? How would a lay person know that they had responded to your written representation?

1:03:49

Because they are they are published, but I think the perhaps the best answers if Mr. Barr COVID, who's standing right next to you, perhaps, after this meeting, perhaps can answer your questions and explain how you're notified.

1:04:03

His team tend to deal with that but without passing the buck. But, but he'll I'm sure he'll explain how you're notified.

1:04:13

on them?

1:04:15

Yes,

1:04:17

I think

1:04:19

sorry.

1:04:22

And then

1:04:23

we might be about to say the same thing. My name is Louise Taylor Kenyon. And I am

1:04:31

my sister sitting there at the table. I submitted a representation of relevant representation. This is the first that I've heard personally, that there is that there has already been a response from the from the applicant. I mean, I've just looked it up on the library now and I can see the response and I'm aware that I don't need to respond to that until deadline one, so that's fine from my point of view, but I am conscious that there may be people

1:05:00

Made written represent who made relevant representations?

1:05:04

Who are not aware that these responses have been made? Because if I to have not, I'm not conscious that I've received anything directly to me, that informs me that that response has been made.

1:05:19

Again, Mr. Markova will

1:05:23

happily deal with all of that, perhaps at the end of this meeting.

1:05:33

Is your microphone on point?

1:05:37

America Martin, I interested party representing my very elderly parents, the site of the proposed language junction. And just on the

1:05:49

I was not informed either about the responses. But my point is about the ASI highs. I understand from the documentation, there was an ASI, at the end of this lane on the 21st of September, but they didn't come far enough down to look at the property that's being affected. I won't say its name. And hopefully, I presume this will come up tomorrow. But I did want it noted. And its residents were not informed of the ASI either. asked Mr. Humphrey to respond. Thank you for that we did actually go down a line to what I think was a property and we went further down to turn around come back again. But it was an

unaccompanied site visit so there is no need it was done from public land for us to notify people we've been doing it, because it's for the examining authority to go and look at these things by themselves. But just does that answer your point? We will talk about this tomorrow. Yeah, I noticed. And I'm glad you did go further down the length we did. I'm not sure if that was clear from the documentation. So I will just say we did actually stop outside that property. We the property in question, as you say, I won't name it. But I know the property. You mean, we saw it, we looked quite a way around it. So we are fully aware of it. And and you'll see that's why it's an agenda item tomorrow. So I hope that lays very glad to hear it. And thank you. And I did I have got a question about accessibility. Is that coming up later on the agenda?

1:07:32

At the I sent in bonds.

1:07:36

When you said do the IPS have any other questions? Do you mean any other on this agenda item? Oh, yeah. So I'm referring to this release. This is a preliminary meeting. Now I know. But I sent this in for this meeting. So I just wondered when it was going to come up.

1:07:53

Is this to do with the event? Why here? Yes.

1:07:59

Can I asked my question, you can ask your question. Thank you very much. Okay, so I'd like to raise the issue of accessibility. Why was the location chosen with no train station, when there are other places which do have stations, such as Penrith Appleby, or Kirby Steven, and as the examinations being held at the eastern end of this scheme? Surely this will disadvantage people living at the western end.

1:08:27

point about was such a long route, how will the examiners ensure that eight sections are represented adequately and understood, and I did, has any thought been given to providing access to the examination for people who do not drive cars? There are many local people in this category, whether through old age cost or disinclination to drive in winter. And their location also raises the issue of expense. I've actually spent several 100 pounds to be here to represent my parents, but it's not widely well attended. And I do think these issues should be considered. Thank you.

1:09:08

Thank you, before we move on, I think Mr. Humphrey would like to respond to the point about the relevant represent the response the applicants responds to develop and representation. Could could I think I'd like the applicant clarify why they sent individual responses to those particular relevant reps. And the fact that it's not the relevant reps and made to us and the responses are published. The I imagine the issue here is the ones that were late and missed were not published on our website so weren't accessible, which I hope is a reason why they've chosen some people to send personal responses to

1:09:49

Robin for national highways limited the applicant, that sir essentially that is exactly correct. We do put things in context. There are clearly several 100 relevant representative

1:10:00

Asians and I mentioned that five had mistakenly been omitted from the response document five out of that considerably larger number. And the reason that, as I mentioned earlier, the applicant sent a copy of the response to three relevant representations directly to those making representation was because they were registered to attend hearings this week. And we didn't know if and when the addendum submitted to the binding special will be published and we are anxious to make sure that those concerned would see the response Whereas of course, everyone else has had an opportunity since the 17th of November to see the overall responses. So, that was the only reason normally as has been said, things are provided, as you say to the planning Inspectorate website, and that is the way in which interested parties and affected persons are able to discover what is being said about their issues.

1:11:03

Thank you.

1:11:11

Yes, Mr. Allen.

1:11:15

Just on your questions, I think on the venue.

1:11:22

The short answer is we had to hold it somewhere. Now, there is a lot of criteria that goes on as to where that what what how we choose a venue, it has to have sufficient capacity to hold it, there has to be Wi Fi available, accessible toilets. The list is endless. And Mr. Bar caveat will no doubt.

1:11:46

Talk to you about that a bit further.

1:11:50

I suppose it could be levelled. But if we were to if we held it at the Penrith end of the of the route, then people from around here may have said the same thing as you are now why is it up there and not here? I think we had we picked somewhere we had to pick somewhere that was, as I say ticked as many boxes as we could, when you're holding a large number of hearings, I think it's good to have facilities available that the public can go and get some lunch or tea or things like that. Some of the venues we saw were in very isolated locations, and that would have been difficult. So we can't please everybody, I accept that we do offer the online if people find it difficult to attend in person they can attend online, as I was expressed earlier, to transport Action Network was last year, we will have exactly the same opportunity to participate. There's no difference persons

1:12:48

coming online as they would be in person. So I do understand why you what I do understand your concerns. I'm not I'm not dismissing them. I think you're right when you have a long route. Unless you have somewhere bang in the middle, which we didn't in this case, we had to pick somewhere that, as I say, met as many of the requirements as we could. That isn't prejudicing any future hearings being held in a different location. So if an open floor hearing is requested, again, later in the examination, or other hearings, we could well hold those in in the Penrith area, again, to vary the location. So I think that's all I can say on it. I can't I don't really want to have a debate on it. We we have, you know, I understand your concerns. As I say we can provide the case and provide you a bit more information on criteria on looking at the venue.

1:13:47

But yes, I think that's all I have to say on the matter.

1:14:03

So start again, number one, the point about rail access. And number two elderly people don't necessarily have access to online facilities either. So they are actually disadvantaged. And so if they they're not near a rail station either and they can't drive, you know, does exclude people. Thank you for addressing my question, though.

1:14:27

Thank you.

1:14:29

Yes, let's move on. Mr. Roscoe. Thank you all now to Agenda Item five, which is draft timetable for the examination. Now the draft timetable was in Annex II of the rule six letter, and that is the examining authorities draft timetable, and it's required by section 58 of the Planning Act 2008. Now in this section of the agenda, again, I propose to hear from the parties on this draft, examination timetable, and then as an exam

1:15:00

Meeting authority will consider any amendments that we wish to make. And then we will issue the examination timetable as soon as possible after this meeting. First of all, I just like to draw attention to some key dates from the draft timetable. And they really are the hearings that are going to take place in the remainder of this week. We will issue our written questions on the 31st of January, we'll have an accompanied site inspection and hearings if required. On week commencing the 27th of February, and the accompanied site inspection would take place the draft timetable shows that taking place before the hearings in that particular week, then we would have our further written questions issued if required on the 21st of March. And a further accompanied site inspection if required on the 30th of March. And then our suggested amendments to the applicants DCO would be issued on the 18th of April. And then the applicants final documents would be submitted on the 16th of May. And the end of the examination would be on the 29th of May. And we have a duty to complete the examination by that date. I just wanted to say that in the draft timetable that was issued, I believe that the date of the 30th of March for the accompanied site inspection actually showed 2022 And it should have been 2023. Now in addition

to those key dates, we also have nine deadlines between these dates, which allow parties to submit their documents to the examination. So that's basically a very quick run through of the examination, timetable and key dates within it. Now for this agenda item I've got those registered to speak are obviously the applicant, and the council's the joint local authorities group, and Ms. Nicholson have actually identified themselves as wishing to speak under this item so far, obviously, as with the other agenda items, I will ask for any other comments towards the end of this agenda item. What I'll do, I'll take the applicant, the council's and other parties generally in that order.

1:17:14

And I'll start off with the applicant, I'll turn to the applicant first. In terms of the examination timetable, though, I wanted to almost deal with this in four parts, I wanted to first

1:17:28

ask a few questions on the effect of the suggested proposed change to the application on the timetable. And then wanted to ask a few questions on the time before and after the Christmas period, the January, January and February deadlines that have been a subject of responses to the draft timetable. And then, as Nicholson, you had a comment on the issue specific hearings in relation to the timetable, and then there were any other matters that may come up under this agenda item. So starting off first, then, in terms of the jet suggested amendments to the timetable that may be related to the suggestion that there may be a proposed change to the application.

1:18:15

Turning to the applicant, and Mr. Owen, I'll ask you a couple of questions in a moment. But just first of all, the amendments suggested to the draft timetable are quite if you like wide ranging in the changes to dates within that timetable, then that means that the majority of that timetable is your fat amended to some extent. And a lot of that seems to to centre, if you like on this suggested proposed change to the application, the proposed change would be submitted at the end of January, in the suggestion that's been put forward to us. And that's a third of the way through the examination. So it does significantly influenced the examination timetable. Now as yet, we don't have a formal notification of the applicants intention in that regard. And it's been suggested that that is provided to us in mid December. I just wanted to be clear that our general understanding in what I've just said, is actually in overall the correct position. Mr.

1:19:18

Robinson for national highways limited up, sir, thank you for that.

1:19:23

I think it's rather broader than that. We've identified four main drivers to the suggested variations to the examination timetable that we set out in Appendix B of our letter of the 16th of November. The first

1:19:44

reason was to reflect the early submission by the applicant of its response to relevant representations that we've been discussing earlier. That was by the pre examination procedure deadline of the 16th of November. And as I as I've explained that was to it

1:20:00

to allow the examining authority interested parties and affected persons to take these into account in preparing written questions, written representations, local impact reports. And of course, for this first round of hearings after the examination has opened.

1:20:15

The second driver was that we also requested changes to the timetable that enable all to benefit from as much time as possible for the preparation of substantive written submissions, particularly the submission of written representations, and local impact reports and then the responses to these submissions.

1:20:40

And I know it's in that respect that the council's are written in supportive of that. And, in particular, I think in terms of the way in which the deadlines

1:20:52

fall, before and after Christmas, we've tried to, in our view, give the greatest opportunity for

1:21:01

good written representations and local impact reports to be produced and to make better use of the pre Christmas work period.

1:21:11

The third driver for the changes we suggested to the examination timetable are indeed, as you

1:21:19

say, it relating to the incorporation into the timetable of a proposed application for changes to the DCO application, that to national highways as applicant is considering bringing forward

1:21:36

come back to changes if I may, just in a moment, the

1:21:41

and obviously, to reflect the proposed changes into the timetable is to make sure that everything can be integrated together as you will appreciate. The fourth driver is that we considered that the second set of hearings currently programme for early March would be beneficially put back to the end of March, to give more time for agreement, particularly with landowners to be reached. And secondly, to align with the change at the DCO changes programme. So there are the sort of broad four sets of drivers and it might assist if I just say a little bit more about the proposed changes at this stage. Would you be right, I had a number of questions on Castro and I'm happy to hear from you briefly now. And then I'll come in with my questions. Thank you, sir. We're just briefly I thought it would assist to

1:22:38

explain that the

1:22:40

DCO change is being considered by national highways currently are largely seeking

1:22:48

were possible appropriate to deal with three essential,

1:22:54

again through central drivers. The first is to respond to stakeholder feedback representations. landowner feedback and and of course, what has been set out in the in the pads the principal areas of disagreement summary statements. So for example, seeking flexibility in the DCO

1:23:15

in order to be able to separate public rights of way from probably means of access.

1:23:21

The second reason for the changes to the DCO being considered currently by national highways is to increase buildability for want of a better phrase to potentially reduce disruption during the construction stage of the project.

1:23:41

For example,

1:23:44

tying into local road network more effectively, and other other other changes. And the third reason is really national highways has been working on further optimising the design of the project. And that enables a number of changes to be contemplated,

1:24:05

for example,

1:24:07

reduced impacts like pond sizes, potentially reducing material movements to reduce carbon impact, and potentially, importantly, reducing proposed land intake. So those are the three drivers that the high end the change is currently being worked at.

1:24:28

Yeah, at a degree of intensity ready for bringing forward after Christmas. Thank you. So that's gives us a useful overview of those three points that you've just drawn to our attention, just in terms of the suggested amendments coming back to your document which is PDL double O one, Appendix B of that which goes through the suggested amendments. Item eight then shows proposed methodology public consultation and looking then at item two

1:25:00

RNA details a booklet and a flyer.

1:25:04

Just in the context of those, if you like, are the changes that are in the applicants mind at the moment. Would they include additional land under the CA regs?

1:25:18

Potentially, sir, yes, some of the changes, not all of them by any means. But we are still working through that. But there may well be in a few cases, additional land involved, and therefore, we would need to deal with that. So I've taken from that may well, and few cases are the words that you used. Yes. Right. Thank you. And then in terms of those changes, then Is any of that consultation that I just referred to, in addition to the consultation required under the CA regs? I'm thinking now in particular, your proposed methodology, public consultation, and booklets and flyers.

1:26:00

So I think the question is that, that there would be proposed to be consultation on all of the proposed changes,

1:26:08

as you'll be aware, where additional land is required under the under the regulations, then that has additional procedural requirements? Are you going further than that in what you've explained in the timetable or not?

1:26:22

I don't think at this stage, I can indicate precisely because it's still being worked out. So yeah.

1:26:29

So we've got the nature of the changes that you've been through, they suggested changes at the present time, there are 30, there put informally a third of the way through the examination. And we don't have formal notification of your intention yet. That comes out mid December. But as a panel, we just need to be clear as to what you're actually asking us for in respect of suggested amendments to the timetable. Right. Okay. Thank you for that. I mean, I'd have to say that the preliminary meeting was delayed partly on so that the parties could could prepare and make this a more efficient examination. And so you've already said that some of the amendments are to bring things forward. And with this in mind, could a notice of intention be submitted before your suggested 20th of December?

1:27:23

Robin for the applicant? I think I will need to take instructions on on that, sir.

1:27:30

It's difficult for me to

1:27:33

reply immediately. Maybe we could.

1:27:38

Mr. Owen, we are actually coming up to possibly a time when in not too long, we might be taking a morning break. So that that might be that'd be helpful. So thank you. And I will take instructions. And so on that basis, if we could just put that to one to one side, if you like. And then there was a there was a supplementary question to that one.

1:27:58

What do you think would be the earliest then?

1:28:02

We said the first question was, could it be submitted before? And the second question was what could be the earliest?

1:28:08

Then a similar question, then, in terms of the proposed changes application, which your suggestion is that that comes in at 24th of January?

1:28:20

Which is the third of the way through the examination? Are there abouts? Can that come in earlier than the 24th? And what would the earliest of that? Or what would the earliest for that be?

1:28:34

Robbie over the applicants in relation to that I have greater certainty in my mind, given the mobile involvement I've had in this that.

1:28:44

Again, I will take instructions, but my understanding is that is felt to be the earliest practicable date to bring forward formally the proposed changes, as you will be aware, there's a consumer amount of work involved in this, I think there may be greater scope

1:29:02

to bring forward slightly the December letter on the basis that that is

1:29:10

a letter as opposed to a full blown application. So I think that would be my response to that I can confirm it German. Right. I'm happy to for you to take instructions on that. And then we've obviously talked about your

1:29:24

suggestion at the moment have an intention to put in a proposed change. Do you can you say at all do you envisage this being the only proposed change during examination?

1:29:36

The things currently stand sir, yes, we are not intending to drip feed, if I can put it that way. A series of changes we understand entirely that that would not be desirable or indeed possible within a maximum six month examination. So this is the only set of changes we are contemplating. Right and I'm grateful for that. Thank you. And one, one final point on this particular section.

1:30:00

Is that the amendments that the suggested amendments that you've put in so far don't seem to allow the examining authority to use further written questions. Further written question responses in it's suggested you see our amendments towards the end of the examination. Now, I think the key date here is the 18th of April. And it's around item 22, which is further written questions. And the difficulty is, is that further written questions and the examining authorities schedule on the draft DCO actually come out on the same date. So that's, that gives a compression down to zero, if you like, on those particular points, I can see nods from your side. So I've made the point. It's just Am I correct in in my assessment of the examination at that point, around item 22. Doesn't seem to give that opportunity.

1:30:52

If you just give me a moment while you think about that.

1:31:05

So that is,

1:31:06

yeah, I think your understanding is correct. I would add there is of course, as you'll be aware, the facility to at any time to make rule 17 requests which may assist.

1:31:17

Thank you, Mr. Owen. Yes, it was really how the how the timetable rule 17 is a it's a safety net fallback, if you like position, it was how the timetable exists, and the timetable needs to stack up at this particular time. Right. I'm just conscious of the other time now. I'll just turn back to Mr. Allen. And if you could actually deal with those matters. During the forthcoming adjournment. I'd be grateful. And we'll talk about them when I return. Thank you, Mr. Chairman.

1:31:42

Yes, just on the time. So I think let's, let's have a short break, we will resume this particular item.

1:31:53

Well, I can't wait till after the break, would you need to ask it now? You can't wait. Okay. Again, it might be a question as to be gets answered afterwards. But

1:32:03

thank you, William, solving both mistakes? Just a question with regards to the point that's just been made about the changes from the applicant data of I think 20th of December was given. And it's an obvious point, but the written submissions for those involved is the 14th of December. So we're going to

be asked to respond on what we believe to be the scheme, only to find within a week that it will be changed. And this just seems horse and cart the wrong way round. And it's the one thing that we have been trying to

1:32:48

with our discussions with the acquiring authority with the applicant, and yet we find ourselves in just that situation.

1:32:58

Where nobody really knows now what we're talking about. Mr. Sally, thank you. Thank you for that. I mean, that was the reason why I wanted Mr. Mr. Owens to actually go through the extent of these. And obviously, the draft, the draft timetable exist as we have put it out at the moment, and they will be our amendments to the draft timetable. But I obviously hear what you're saying.

1:33:19

I do want to just take a short break, and we will resume this discussion. Just before we do I do have on my list. Miss Rosalind Evans, you need to leave I believe, shortly. Is there something that you wanted to raise? It may not be connected with this item? But you may want to I believe you got to go. So

1:33:40

if we'll just take that quickly. And then then we'll Yes. Thank you. Ross Evans, I'm a resident.

1:33:48

It's been very interesting. I mean, I was going to speak under item six, I wasn't sure whether I was going to or not. But I think it's worth making these points. A lot of my uncertainties have been kind of clarified a little bit by this meeting, which is good.

1:34:04

I just wanted to make the point as a resident, and there are some others here that actually this is very important to us. And yet, because we live here, and yet we're the people with the least information, the least experience, and the most muddle about all of these procedures, and the fact of these letters that these responses that are on the website and not

1:34:33

people that put in things, they don't know about it, because we never knew that.

1:34:38

So I do think that it's something that has to be brought in, kept in mind all of the time about basically the people that this really matters to

1:34:51

don't have as much power as some of these people sitting on those tables. I mean,

1:35:00

The point, again about accessibility, the number of people who can come here as an ordinary member of the public and such like.

1:35:08

But there's kind of two questions that I've got from all of this. We've got these letters,

1:35:15

we put in something, we didn't realise we were going to get a response from highways, England. And now I'm really confused about what we're supposed to be doing. Are we supposed to counter what comes in?

1:35:29

And I think that that goes with another question. I'm sorry, these questions are a little bit amorphous, because of lack of clarity. And in my mind about this whole process, we've got a few meetings now at the with them this week. And I am unclear about the outcome that's expected from these meetings. I'm not quite sure where and I don't know whether that that relates to what Mr. Salvin has just said about how we are supposed to put forward our views to whoever, and we're supposed to be doing it. And then all of a sudden, everything changes again. So I think that sitting here, and I don't know where this would have come in all of this preliminary meeting, but I suppose the messages are, this is important. We're here we are trying to make our comments and be heard. We struggling there was the comment on

1:36:33

on the on the teams about not being able to pick up all of the bits of paper and such like it's really, really difficult. It's really, really important to us. And also, we're not actually quite sure, well, I'm not sure what these this little suite of meetings, what the outcome is supposed to be. And I'm not quite sure, as members of the public or small groups

1:37:00

that are interested in particular aspects such as the environment or, or whatever cycling, whatever it happens to be. We're not actually quite sure how we continue with this engagement. So I think we're very much in the dark. And that's my perspective.

1:37:20

Mr. Mr. Marco viac has indicated to me that he's available to you in the break, and I'll explain all of that, and I will answer all of your questions there. All of them.

1:37:33

All of them. Right. Let's take a short break then can we be

1:37:38

visual resume at 10 to 12 please