

# AUDIO\_A66\_ISH3\_SESSION4\_020323

Fri, Mar 03, 2023 10:12AM • 2:21:06

00:20

Thank you. Everybody's now quarter to four. Let's resume this hearing. We're going to move on to item six now the traffic access Mr. Humphrey.

00:31

Thank you, Mr. Allen. Hopefully be very brief these but it's a matter of clarification. Firstly about diversion routes. From the responses to our written questions, I understand that detailed design progresses the requirements for any diversion routes during construction are developed. These will inform the detailed production of the construction traffic management plan. The local high wind authorities will be engaged with and consulted on the production of the ctmp and will be subsequently approved by the Secretary of State as part of the second iteration of the EMP. Is that the correct understanding of how it will work?

01:12

Robin for the applicant? Yes, sir. I would agree with that summary. Thank you.

01:16

Thank you. Following on from that, a note in answer to Question ta 1.7, Cumbria, North Yorkshire, Eden and Richmond councils pass a strategic diversion plan for operational phase needs to be provided by the applicant and agreed by the council's is it? Is this something you're working on with the council's?

01:42

Or if I can turn to Mr. Carey to deal with this

01:45

issue, please.

01:49

Yes, ma'am. For carry on behalf the applicant in simple terms. Yes. So that is something that we've engaged in and working with the local authorities to understand what diversion routes in terms of incidents recognizing that some of these points have been raised through the the socg in the pads documentation. So we continue to work and liaise to understand the resolution or responses to those comments.

02:13

How would any operational diversion plan be secured as part of the DCO?

02:24

So I believe the answer is through the third iteration of the Environmental Management Plan, which deals with the operational phase. That's something we can confirm in the post hearing note.

02:36

Thank you. Just before we leave this point, can I hear from the local highway authorities, whether they have any comment on what's being said here?

02:45

Michelle Sparq acting on behalf of Cumbria county council and Eden District Council. And my instructions are in relation to the diversion arrangement the possession is as per our deadline for response to examining authorities questions. And I'm instructed that there's a need to make progress and for discussions to be ongoing, and for details, details of the operational diversions to come forward as soon as possible. And so I suppose it's a place for progress from from the applicant place.

03:19

Thank you. Have North Yorkshire gotten into say?

03:27

Begin Miko, animals NYCC Our position is as per misbalance. We just sent out

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How about Bergen County?

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I think my colleague Bob majors just going to address that. Thank you.

03:54

Mr. Major.

04:05

Sorry, can we give you an update later about that? Sorry, I can't locate.

04:11

Yes, that's fine. Sorry. Well, Mr. Chairman, before we move on, I think I just heard the point. Miss spark about again, it's about progress in these matters. And we are more than halfway through the examination. And it is important that we get as much as we can done in the examination.

04:33

Robbie over the applicant? Yes, absolutely. So we do understand that and are certainly prioritizing all these outstanding issues, as we heard earlier on flooding as well.

04:44

Thank you. Just before I move on to the next point, Miss Horn I noticed you have your hand up is anything you want to add to this.

04:53

Just with regards to the de trunking arrangements. I mentioned it yesterday about day About, it came to light that the temporary roundabout at main skill was going to be included. And that would need to be included within any D trunking. Arrangements.

05:11

And I'm just about to move on to D trunking. So I'll get response from the applicant when I've dealt with my question about why I have an applicant. So moving on to the drinking arrangements. Again, from my reading of responses to ta 1.1. I understand that be separate side agreements to deal with asset transfer arrangements and amendments to the local highway network. Is that right? Is that correct?

05:46

Robin for the applicant, there have been a number of detailed discussions, so with all of the local highway authorities on the principles around the trunking for quite some months now. And they were the YouTube agreement being reached on the trunking issues by the end of the examination. And whilst agreement in principle is yet to be reached on all of the issues that has been discussed. As noted on in the various submissions of the authorities, that deadline for national highways doesn't see any reason why these matters shouldn't be able to be resolved by the end of the examination, that they just are taking some time as I say they have been underway these discussions for quite some months and since suddenly last summer, at the latest I suspect. So and we just been in discussion, literally this last week about moving the discussions on to formal heads of terms and under legal agreement and as Miss Spark is aware. So that that is that is now happening. And there is a slight issue with with the local government reorganization, which is causing an additional complication there. But we do intend to issue to the local highway authorities very shortly heads of terms for the proposed legal agreements with them to secure the de trunking proposals which will cover the issues that you've highlighted.

07:19

Thank you, Mr. Winn. Sparkly are gonna be a county council.

07:24

And she'll speak on behalf of Cumbria, Keynes Council and Eden District Council, they will become Westmoreland and finance council to be clear on the first of April 2023. And the possession is exactly as Mr. Owen has expressed to the examination is we're in very detailed discussions regarding G trunking. And there are pretty much weekly meetings. And, and yeah, we're making substantial progress on that. So I'm confident that we can get to a position where a side agreement is agreed pretty quickly.

07:57

Thank you. Could I hear from North Yorkshire county council is

08:05

with Hi Michael Mendoza NYCC. The overall position in that is again, my instructions on that another saying that a lot of progress has been made in relation to the chunking. In relation to the temporary roundabout, I'll just touch on that. I'm told by our planning authority colleagues that a pre application should be received either this week or next, in which case we'll get more detail on that aspect.

08:34

I don't know from game County, please.

08:38

My teesdale Durham County council, the council has had regular meetings with the highways authority, the applicant, and these are ongoing. And that's been the same with diversions as well, and will continue to work with their national highways.

08:53

Thank you for that. Well, I'm gonna go again, it gets us back to the point that here we are more than halfway through the examination. And everyone's saying to me, we're still in discussions about this. We're getting we're agreeing the principles, we're moving forward, we're having weekly meetings. But realistically, what do we do? What do I do at the end of the examination and the report to the Secretary of State? When I say that you haven't agreed to D chunking arrangements? That I'm going to hear from you, Mr.

09:24

Rubio and fabricants. So I understand entirely your your concern. It's it's a familiar one with projects like this where there is a lot obviously to resolve during the examination period, and the pressure is on. It is normally able to be resolved. And we are confident and I'm pleased to hear from the local local housing authorities a shared confidence that we will be able to conclude these these issues and I think I can just really only repeat what I said before, which is that, you know, this is a top priority for us and I believe the local authority And we are working hard to close out the remaining issues and and then document them in the side agreements. I think the side agreements should be almost the easy part once the issues that they will need to document have been have been finally resolved.

10:18

Thank you. Maybe I'll just finish with the point that as Mr. Allen and I'm sure Mr. Roscoe said it's a pads on getting smaller, the remaining pretty much the same. And we're not getting we need to be getting smaller pads smaller number of issues to be resolved, not maintaining the same level. But I'll move on from that.

10:40

So we we absolutely do hear what you say. And we will take that away and consider if we can put even more resources into it. Can I just deal with the main school roundabout issue? It's not provided for the DCO. It's not going to be provided for in the DCO. This is a matter that the contractors appointed by national highways are taken forward themselves through the Town and Country Planning Act process. And as we've just heard, an application has not yet been made for it. So we don't see it being a matter that is relevant to your examination of the DCR itself.

11:20

Thank you, Mr. Cohen. So I'll move on to however, a clarification about private means of access and public rights away. In response to part three of our question ta 1.3. You state private means of access that will share rights, will share or share rights with public rights away have been designed to be four meters wide one meter wide verges as dual use, are these dual uses intend to be adopted highway with private vehicle use or private roads with public rights over them? And just I'm not clear which is which? Or is there a mixture? Is it an adopted highway with a private bite of that vehicle access? And or is it a private vehicle accurate? With a public footpath or cycleway on it?

12:19

So wherever I can ask Mr. Carey to touch on this, I understand the intention is first and foremost, they will be highways with a private rights, a private, right of access over them where appropriate. But Mr. Carey, can you comment on that please?

12:41

Or Carrie, on behalf of the applicant? I concur with Mr. Mr. Owen. There are throughout the projects, obviously PMAs, which are shared individual use with different intended users. I feel we may get into individual cases. Just seeing how best we can cover this office any specific examples? Or whether it's

13:06

no, okay, it is a mixture, then it is both of those things. I mean, my concern was probably around if it's a public right away, that's hard surface, presumably at four metres wide, which is a footpath. But it is also a private means of access. You know, it's one of those things that looks like a road. It's, you know, people are going to regard it as a road and you wouldn't expect it as a public footpath and have a vehicle running on it.

13:44

So I think that this is an issue that is inevitably one that will need to be taken forward through the detailed design process, which may include various mitigation measures to deal with the kind of issues that I think are in your mind. And, of course, the detailed design will also be subject to a stage to road safety audit to highlight any potential safety considerations. So I think there's there's there's nothing novel in private means of access, sharing rights with the public right of way. But I think quite how each one will need to be treated as a matter that detail design will

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flush out. Yeah. I understand that. But a simple highway engineer in me thinks, you know, there's nothing novel legally in that situation. But if you're someone who's walking along the foot public footpath and it looks like a road, that's not you're going to immediately think this is a public footpath it's you don't think it's a road by any other means. So it'll be vehicles on it. But so if I could have some clarity on that, that would be really helpful. Do the councils will not unto that

15:04

shall spark acting on behalf of Cumbria, Keynes Council, the need and District Council. And our point Secondly, the same as yours. My instructions are we need clarity on the proposals. So we're unclear as well. So yeah, that post here and note would be particularly useful for us as well.

15:19

Okay. And I've got hands up from Mr. Salvan.

15:27

Thank you Williams holding Northam estate. This is a fairly fundamental issue because it touches on the landowner and occupiers ability and right to control access across the PMA. If it is a highway, then they have no ability to control who drives down that route. Whereas if it is a private means of access with public rights to pass on foot or on horse, then they can at least stop motor vehicles, which wouldn't be the case if it was a highway. It also touches on future maintenance liabilities for the surface. Obviously, if it's a highway, that liability remains with the Highway Authority, be it national highways or the local authority. If it is a private means of access, it's down to the individual circumstances. But an awful lot of the PMA sin in the sector aid scheme eight are obviously shared with balancing ponds. And it is at this stage unclear who will actually have the maintenance liability for those PMAs if indeed they turn out to be bmes rather than highways. And of course, that is an important aspect of clarification. Because 20 years after the scheme, when the nice shiny road is full of potholes, then everyone will deny any responsibility and start arguing and we would really quite like to avoid that.

17:13

Thank you, Mr. Silva and Miss Horne.

17:19

Come on hon. George White's on various clients along the whole of the road at concur with all the comments that's been raised and made in our written reps and reps yesterday about the safety of dual use. But also we need clarity on how it's going to what it's going to be, as you say, how it's going to be controlled in terms of safety and security, and also future maintenance liabilities.

17:47

Thank you, Miss Horne. Mr. Orange, do you want to respond on those points?

17:57

Robbie, if the applicant only to say so that we've taken we've heard what has been said in the last 10 minutes and we will endeavor to give clarity on this issue. In the post hearing note, particularly relation to as Miss Horne has just said safety, security and maintenance considerations.

18:16

Thank you. Well, I'll move on to if there's no other comments. I'll move on to Mr. Solon again.

18:29

Sorry, Chairman, I'm sorry, I don't know whether you you're going on to public rights of way or whether you're going to go on to the next point, I had one specific issue to raise on public rights of way. So I don't know whether to make it now or to wait patiently.

18:44

I think well, that's not on the agenda now.

18:48

Well, it is private means of access arrangements.

18:51

Well, yes, it is. But that wasn't you can raise it now if you want. Okay,

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specifically seeking clarification on the design criteria for the footway and cycleway that is proposed in plot 080301 which will divert the existing road side footpath on the greeter bridge bypass dual carriageway to the front of rugby grove which is a great to building in my clients ownership. We don't quite understand the necessity to do this and would welcome some clarification from mr. own.

19:32

Thank you, Mr. Winn.

19:37

Thank you, sir. I can't provide that clarification today. No, great surprise, I suspect. We didn't know this question was coming. Unless colleagues download table. Can we take it away and include it in the posterior note?

19:52

Thank you. So I'll move on to the next agenda item which is about traffic in Penrith. A note in response to our question ta 1.8. You say work to update the traffic model following additional counsel, last September's been done in discussions and modeling outcomes will continue to counsel. Again, this goes back to that. So that is a fairly familiar theme that discussions are ongoing. And I just wondered where they are. And when we will find out what those conclusions of

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the poll carry on on behalf of the applicant. And I think since that time that there have been, there was a meeting last week it perhaps the week before, whereby my colleague Mr. Sennett went through some of the modeling with the council. I think it was a progressive meeting, a timeline has been shared. With a view to update in this statement of common ground by mid April, is the time that we put forward for a resolution of those matters. I think, from our perspective, we believe the council will resolve the majority of them, the more the personal points have been raised. And whilst there are a number of smaller issues remaining, there is a timeline to conclude that by the middle of April,

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thank you, Miss Spock,

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Michelle Spark acting on behalf of Cumbria, Keynes Council, and he's in District Council. My instructions are slightly different to that. And so I may just bring in one of the consultants that's online, but I understood that we're awaiting results of the revised modeling. And before we can come to a view on whether that's acceptable or not, which seems to contradict the applicants position, I haven't got anything in regards to agreement by April. If you could bear with me just one minute while I find out his best answer that from our perspective, thank you. Thank you.

22:13

And can I introduce Tom Randall, please? From ws P. Who's online?

22:17

Yes. Thank you.

22:19

Afternoon, Tom Randall from W. SP. Representing Cumbria and and Eden councils. Yes, we have had a couple of useful meetings to understand the the updates that happened with the modeling. We're awaiting those final results before we can. And we're sort of working through that with the applicant. There are still some key concerns that representing the the interaction between those two junctions near Penrith is proving tricky. And we need to to see see those final results before we can can understand the impact of the scheme essentially. And things like this, the operation as well as the hard infrastructure. It's how you operate the signals, those kinds of decisions that that are really key in taking a view. So I think that's what that's the way the position I think this timeline has been, has been set out relatively recently. But we've got another meeting. I think the next meeting is on the 17th, which should have a finalized model for us to look at because it was a work in progress last week.

23:38

Thank you, Mr. Randol. That, that Mr. Owen has a slightly different version of events. And I think you told me

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Well, I think it was Mr. Kerry.

23:52

Kerry sorry. Mr. Cohen, my apologies.

23:58

Yes, I think I did the reference the middle of April is proposed that we put back to Cumbria county council clearly more dialogue is needed to confirm that that is deliverable on both parties. I suspect we need to take this away and bring the relevant experts together. So I'm providing an update as to as to the deliverability of that date.



24:18

Thank you. I'm still going I'm gonna sound like a broken record here. But I think this is another and the spark is another issue that we are in the second half of the examination. And we need to move the things forward not because we've been talking about an updated model for a few months

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starting with an incumbent,

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sir, yes. I take it on

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board. Thank you. Okay. I think the final traffic is you wanted to raise it isn't on the And, but it follows the for those people who are on the accompanied site inspection. We went to see the former bivy site, the MO D site. It's intended to be your proposed replacement site for the Brookfield fair. When we were there, I heard concerns expressed by Mr. Wells, Mr. Heron and Miss Horne, about the safety of the new access, particularly for children and horses. Given all the farm and industrial, commercial traffic on that corner, have you done any risk assessment or safety auditing of the junction? Proposed? I know it's for a relatively short use, but it is a the rough Hill fair would be a much more intensive use for what is a very lightly used access now.

25:53

Robin, so I believe that as would be standard practice for even preliminary design of new highway junctions that those assessments have been done. I don't know for sure, because I haven't been briefed on that. But unless colleagues can comment on that down the table, we will have to come back to on that. I mean, certainly we there's a strong belief, as we've said before, and is made is that our position that the proposals in relation to the BV site for the highway access are a distinct improvement on the current position. We think they are workable and as well as being an improvement. But we will just confirm in the post hearing out quite what assessments have been done to support that position.

26:42

Yeah, I accept it might be compared to access directly from the current a 66 a safer option, but in itself, it needs to be a safe option.

26:54

We absolutely accept that, sir. Yes. Okay. Well,

26:57

I see. I wonder if Mr. Wells wants to make a comment at this point.

27:03

Yes, I do. So thank you. The isn't just the junction where the farm is and the factory that the other side of it, there will be a full end, dual carriageway as well. So would be sandwiched in between, it'd be like sitting on a roundabout, that was busy junction with heavy industrial equipment going backwards and

forwards from the farm, and a four lane motorway and the other side and the busy road, it would be a busy road right in front of it. And it would be extremely dangerous for horses, children, dogs, the actual site is undermined, is riddled with rabbits. And any fencing that was part of it wouldn't last very long, because the fencing just does collapse. So we're extremely concerned about it. And we just think it's totally unacceptable. And we don't know for a risk assessments done on it. Yep.

27:50

Thank you, Mr. Wells. Thank you, Miss home.

27:56

Caroline Hahn on behalf of the Heron family. And I just want to make the point. As I already have, we have serious concerns over the safety. And the risk assessment, I don't believe has been done. And just I want to make a comment that when they say it's an improvement on what it is, I completely disagree. And would it been a improvement?

28:25

Thank you, Miss Horne. Mr. Owen.

28:30

I don't think I can really add to what I've said before, which is we will confirm what has been done. By way of assessments and appraisals. In the post hearing note, we maintain our position it is a distinct improvement.

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Thank you, Mr. Winn. Well, that concludes my question.

28:46

Sorry,

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concern.

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Could I also add, if you will, if it would be helpful for the Heron family to explain in more detail with what actually happens there, then they would be more than happy to do that.

29:02

I mean, I think it'd be useful certainly to share that information with the applicant because as part of any safety assessment they did, they would need to understand things like traffic movements. And if you want to submit it to the application, please do so. A deadline five.

29:17

Okay, I have provided some detail, but I'll see if I can get any more details. Movements.

29:24

Thank you. And David Sawyer Darby Lawson. Neva Keatley.

29:32

Thank you. Could I just concur with the comments about the safety of the proposed bivy site as a replacement. Not only is there regular farm traffic, heavy duty truck farm traffic using that road, which will go right next to the Divi entrance. I mean, there's now a cement mixing and haulage Park, just down the way from it and that's very big vehicles with Shares weren't there a couple of years ago. So the idea of it being a much safer site than the previous one, as far as Walker parish council is concerned, is not necessarily true.

30:14

Thank you, Mr. Caitlin. Stone, do you want to add anything more?

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I'd only add that certainly there are no concerns expressed in relation to in relation to the replacement site by the by the local highway authority, which I think is relevant and but we will say we will cover these things as we can in the post hearing note.

30:39

Thank you. Good. I asked Miss Horne and Mr. Keatley to turn put your hands down please. Mr. Weld just is this something new, not something, you

30:52

know, just is something new, something we've just confused about. I work with education authorities in Darlington, and particularly the Gypsy and travel education authorities and I was in a meeting with him on Tuesday morning. And it came to my attention that national highways have contacted them for information about Brookville fair. Now, I've I would like to know, these as this is about children and younger. So where are they going to get what why was the why was that? Why did the contact education authorities and I missed it that a Dr. Allen, Upper Deck academic from Manchester contacted Beloit with the same poll question.

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I mean, that isn't really something we can consider in this examination. But it's something you know if you want to speak to national highways about it directly. I mean,

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another couple of points set is in the official documents, national highways recognize Appleby fair, as a gyped aroma, gypsy heritage site, and important Roma, gypsy heritage site gypsy and traveller site with protection. And that's official, but the don't recognize Brookfield fair as the same thing. They don't recognize it as the same way as the recognize Apple be fair. I was wondering why that is. Okay. And also one more thing, sir, is the straight line we are proposing, as there have been serious assessment done on that straight line. Well,

32:25

I mean, when we have responses from national highways on that route, and unless Mr. Owen wants to add anything more, then I wasn't intending questioning more on that, that Mr. Wen, if you'd like to comment on what Mr. Wilson said, Sorry, Mr. Welsh, is you Yes. Thank you.

32:47

Robbie. Robbie, the applicant. So all I would wish to say right now is that we absolutely do recognize the importance of Brockville fair that is why national highways has gone to a lot of time and trouble to make sure that the future of the fair is not prejudiced by this scheme. That is why provision for replacement site is being made. That is why national highways consulted on various well detailed piece of work in terms of looking at suitable alternative sites. They carried out a sub project consultation in relation to the Divi site and one other site. They totally recognize the importance of brownfield first. So we do refute that suggestion that we do not.

33:36

Thank you. Okay, well, I think that concludes what the traffic section and I think that is the end of agenda agenda item six. So I'll move on to agenda item seven, which is heritage. This is that this is Miss Horne.

33:58

I just have some other points to make on roughly where we will.

34:04

Sorry, Miss on that they relate to traffic or at No? Well, perhaps I could I suggest you make them in writing to Deadline five.

34:14

Will I have chance under any other business?

34:17

Quite well? Yes, possibly. Okay, thank you. So, if I return to item seven, which is heritage, and there are a couple of points here about is firstly, can I check is there anyone from Historic England in attendance at this meeting? No. Well, this is from the applicant. Then a couple of points of clarification about Historic England. responses to your response following is h2 proposing to remove the reference to a heritage mitigation strategy from the death initially start, but still allow archaeological investigations and mitigation works to be undertaken prior to commencement. They were concerned about that removal and wish for the heritage mitigation strategy to be approved as part of the examination so can be used to control pre commencement works. Good, I have a comment on that, please misto and

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that Robbie owns the applicant. So we believe that concern is Miss founded. It's quite a technical area. But what we are proposing in terms of the definition of start or or commence follows a well established formulation, as approved by the Central State or numerous other DCA OHS. And it effectively allows certain preliminary or minor works to be undertaken before the discharge of, of certain obligations and

commitments set out in the environmental management plan. And one such category of works that are carved out are archaeological investigations and mitigation works. And this is entirely common on DCS. And there are numerous precedents for this, including where detailed archaeological mitigation strategies are required to be approved. Post consent as is proposed in this case. The important thing though to note is that the ability for national highways as we're proposing to carry out these activities, that does not circumvent the obligation to have a detailed heritage mitigation strategy approved as part of the second iteration of the environmental management plan, the Environmental Management Plan, before you includes an outline, heritage mitigation strategy, and we're obviously discussing that still with Historic England. But the proposal in relation to the definition of of start, as you say, does not circumvent the need to have a detailed heritage strategy approved as part of the second iteration emp. So, ultimately, the purpose of the strategy is to ensure that the impact of the main works as opposed to the plenary works on the cultural heritage environment are adequately managed, as it's those that are most likely to have an impact. And the main works clearly cannot be carried out until the strategy has been approved. So we we've actually discussed this point with Historic England, before today's hearing, we understand that they're considering this point further in the light of the points that we put to them to put put to them, we will obviously carry on engaging with them on this point with a view hopefully to reach an agreement. And that will then be reflected if we do reach agreement in the statement of common ground. So we think what we're proposing is nothing novel does not prejudice, the requirement to have a detailed heritage mitigation strategy approved before the main works can start.

38:01

Okay. But I mean, I think, as I hear what you're saying about dialogues ongoing, was Historic England about it. As I understand their comment was about how would the pre commencement work be controlled?

38:15

Well, the the conventional thinking in relation to pre commencement works being controlled as they do not need to be controlled. In the same way, given the impact of that it might be that other whether everybody would like to come in at this stage, just to sort of comment on that, from an expert point of view. I think that's probably the thinking that there is no, there's.

38:41

So they're sorry, Karen Wally. And so the intent of including archaeology investigation, or mitigation in the car works really is to allow for any advanced survey works that need to be undertaken. So continuation of trial, trenching and the likes, it's not to allow for significant actual excavation work that could result in an impact. As as Mr. Owen has said, that is standard practice on DTOs. And in any case, the commitments contained within the EMP. There are very specific commitments about how archaeology must be managed. And, you know, notwithstanding the fact that the detailed heritage mitigation strategy still needs to be approved, through the second iteration emp, those controls still apply to any work that will be undertaken in terms of archaeology.

39:21

Thank you for that. But as I say, going back to the point, as I understand it, Historic England don't understand what you're saying.

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Yes, as Mr. Owen as high as we actually had a meeting on Monday, this week, I've had a very recent meeting with them to talk them through some of these aspects. And they have taken that position away. And we went on further dialogue with them in the next week or so to follow up on that to see if they still have concerns around it, and if so, how we address those through whether it needs to be any further amendments to the NPS controls

39:48

group. Thank you. The other point just a moment I got two more hands up. I'll be North

40:00

Thank you. Yeah. I just Just coming back to the NP and the heritage mitigation strategy. I think I think the point that Mr. Welch has been trying to make is that in your in Annex B, three of the outline mitigation strategy, your resource assessment and research agenda says that the identify identification of new sites and topics should extend beyond our archaeological unbuilt heritage to include a wider range of subject area, including the intangible heritage. We've also it says, v3 2.8, sorry, B 3.28. Where possible impacts on the Historic Environment have been reduced, where possible impacts on the Historic Environment have been reduced or avoided through the design of the scheme as outlined in chapter eight. Both of those documents and in fact, all of your sort of broader environmental management plan documents do refer to the intangible cultural heritage of the area. But only in relation to Appleby fair when we actually come to chapter eight. There is no mention of intangible cultural heritage. And so the rough Hill fare and the impact that the road expansion is likely to have on that fare hasn't been assessed actually, as a part of the cultural heritage impact of the scheme all together, and we really think it must be Firstly, because in your environmental management plan, you have set out an acknowledgement that intangible cultural heritage is also important.

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But I just say, just north that the topic of discussion was a heritage mitigation strategy. Is your subject, really about the Brookfield fair again?

41:45

Apologies. Yeah, I should have introduced myself. I'm having not yet. I'm here working with Mr. Welch and Mr. Lloyd for the Brookfield fair.

41:55

Right. Well, I mean, I can ask for response from mr. own about that.

42:05

Probably over the applicant, I think we need to respond in writing on that point, because we obviously had no notice of it. And we will do that.

42:14

Thank you. Thank you, Mr. solvent.

42:21

Just want to make a point about the sorry, do you mind? No, go on. Okay, just just to make one more point about your cultural heritage. And the and the need to include the intangible heritage actually, we haven't found any mention of the rough Hill fair in the equality impact assessment either. And actually, in this case, the cultural heritage and the equality impact assessment are very closely related, those two things must work together. So. So we don't think that the proper sort of way weighing of different of material harm can possibly be done, if the if the impact on the cultural heritage and the consequential impact on the equality for these groups hasn't actually been assessed or even properly acknowledged yet. So if we could have I mean, I understand that you weren't aware these questions come up. But we would love we would really like to have your response to that in writing, please. Don't fight. Thank you.

43:16

Mr. Owens? Well,

43:17

there's absolutely no question of us not properly acknowledging the importance of Brookfield fair, as I said a few moments ago, we absolutely do and have done. We will respond in writing. As I've said, we will deal with the equalities Impact Assessment issue alongside cultural heritage issue.

43:36

Thank you, Mr. Sullivan.

43:39

Thank you, I just want to pick up on the the mitigation, the heritage mitigation strategies that affects section eight and rugby park and garden. From the the preliminary environmental information, the harm to be created by both the black option and the blue option was deemed to be moderately adverse, but suggested that there were options for mitigation. And I'm not quite sure what those options were, other than I note that within the DCO application, that degree of harm has been reduced from moderate adverse to minor adverse, and I'm not quite sure what the interrelationship is, and how it relates to the heritage mitigation strategy. I would also with regards to that strategy, raise the question that has been posed before in terms of permanent acquisition, as opposed to temporary acquisition of various blocks within the registered parking garden, which I raised yesterday under the CPA so I won't repeat it all So the issue of the mitigation planting that we touched on this morning, in terms of how that relates to the heritage mitigation strategy, because it's resulted in a block of proposed woodland, just to the west of St. Mary's Church, which will obviously destroy the views in an hour that you were able to see during your accompanied site visit on Tuesday. So just so understanding from the the app, or explanation from the applicant, but how my understanding, thank you.

45:37

Thank you, Mr. Silva. And Mr. Owen, do you want to add anything?

45:45

At Robbie, over the applicant, I think we just reflect on what Mr. Sablan has said, quite a lot of that was dealt with yesterday. And we will make sure that we respond in one way or another to the issues he's raised. I suspect in many cases, it'll be referring back to what we've previously put into the examination. Because I think those issues are none of them are new. And we have provided answers to them before, but we will just check that.

46:13

Thank you, Mister. And I'd like to move on to the second point and heritage, it's about heritage impact assessment for the Lake District World Heritage Site. We know that Historic England and satisfied that a heritage impact assessment has not been provided with regards to the Lake District World Heritage Site. And this is reference to paragraph 4.2 of their rep or 031. I know you previously provided a brief explanation, a deadline to rep 206. But given historic England's continuing concerns, we'd like to understand whether you're going to provide a more detailed response to them.

47:00

Robbie over the applicant. This is a matter that we continue to discuss with Historic England carry while he can update you in terms of the recent discussions?

47:10

Absolutely. I think that the very short answer is yes. Again, this was covered in the meeting we had with them on Monday. And we took them through the responses that we've already provided and explained a little more detail as to the justification as to why it was screened out and how that aligns with the current guidance. And we've agreed to put that to them. And further so they can consider that further. And then we will pick it up and deal with it in the statements of common ground and they were happy with that position.

47:34

So they're happy with that was great, because I want something Yeah, thank you. Andrew Collins. Thank you.

47:42

So just to be clear, therefore, we will put something to them in terms of why we don't believe that the assessment is required and see what they say.

47:54

Thank you. Okay, if that's everything on heritage, then we will move to Agenda Item eight. Mr. Allen.

48:09

Thank you. I don't propose to say very much on this. I just got one question for Mr. Carter. This follows from the Environment Agency. This follows a discussion yesterday where we were having a similar discussion on protective provisions. And the applicant stated that they were waiting on you for an updated wording on the model provisions. And that you wouldn't be doing that or you would that would take until the end of this month to complete is what the applicant says correct.



48:46

The cost of the Environment Agency? Yes, that is correct. We have a standard set of protective provisions. That's a standard set of revisions is currently under, it's been updated. The update is due to be complete by the end of this month. So there's not we don't really see the point of using our presets provisioner. They'll be replaced in the current version, the DCO. So as soon as they are available, we will share those with the applicant in the unlikely event that there is any delay then I spoken with the legal people and they would refer to the orangeipi PPS if that was necessary.

49:30

Okay, is that something you can you will confirm in in a response to us?

49:36

I can do so. Yes.

49:38

Thank you. If you have also that review, if you do have the model provision your new model revisions written by the end of the month, is that something you can also submit into the examination? Yes, that is I mean, no doubt you're may have shared it with the outcome beforehand privately and something I would probably expect you exam but if you could put into the examination as well, yep. Thank you very much indeed. As for the remaining of the pads, and I refer specifically to those that were requested in our procedure decision letter, back in July. It's really just a firstly, I think from from the whole of the meeting today, I think I'm encouraged in some ways that a lot of the measures are under discussion, they're still and they're moving closer to an agreement. But it's disappointing in some ways that the pads are still exactly the same as they were from back in August. And so in the spirit of things that are if they are moving forward, and you are reasonably confident that they are close to resolution, I think I would like to see that reflected in the pads. So I would like to see an update the next deadline, I think he's for updated pads, I would like to see them. Based on what I've seen and heard today. And written submissions, I'd like to see those significantly reduced. Essentially, if you have reached an impasse, and there is no further way to go you have your position, the applicant has their position, then, of course, I would expect to see them remain. And that is something we would obviously report to the Secretary of State. But I think whether there are areas of progress, I think that should be reflected. And I think we would urge the parties to do that. And I'd particularly also look towards Cumbria and Eden where have departed from certainly the others where they think entered into the spirit of things, Cumbria and Eden, I think have put pretty much every issue that they've got with it in a pads, which was not, not what I asked for. And I don't think it was the in the spirit of things. So again, I would ask him, given the answers you've given today, that the in perhaps one of their last actions before they go, if they could review their pads and again, look to substantially reduced to make given the significant progress they're making. Thank you. Mr. Owen, you've, again, part of the reduction of this is also on the applicant. You've heard it countless times that I don't intend to. I don't tend to put a question to you because you you've heard it very much all through the day. But but the onus is very much on yourselves to try and work with the parties to to get some of these matters. resolved, particularly as we enter the latter part of the examination.

52:56

Robbie over the applicant, sir. Thank you. Yes, we understand that and fully aware of our responsibilities towards you and the examination to try and progress everything as much as can be done.

53:08

If there are no other questions on pads, yes, be smart.

53:13

Michelle Sparkassen for Cumbria and Cumbria. Keynes, council need and District Council just to confirm my answer. Put your worries at bay. And we have been going through a rationalization exercise on the paths. So yeah, that that's, that's in hand.

53:30

I'm assuming that's tying in with your earlier answer about preparing these documents of outstanding issues for the applicant? Yeah, yes, r&d. Okay, thank you very much for that. No other hands raised either in the room or online. So I will move on to item nine, then the draft development consent order. There's a few bullet points here. Mr. Humphrey is going to deal with the first two and I will deal with a third. Mr. Humphries.

53:56

Thank you, Mr. Allen. But Mr. Owen, it's a it's about response to the first one is about cycle tracks and cycle wares and the definitions in Article Two, I think it is in response to DC, DCA 1.1 Our question and you want to keep the definition of a cycle track as it is in the Highways Act 1980. But would that not mean a cycleway is also a cycle track so there isn't. There isn't a distinction between the two because a cycle track would include the same definitions and cycleway. I assume just by way clarity that what you were seeking to do here is make a cycle way. The same in for a pedestrian it will be a footways. Adjacent is a part of a highway and a footpath is distinct from a highway. I assume you what he's trying to do is make a cycleway part of a highway and a cycle track distinct from the rest of the highway. That's not what's done there.

55:04

So I think the Robin for the applicant, I understand from your line of questioning that you're, you're you're sort of wanting us to make the two definitions mutually exclusive. Yes. We we are proposing an approach that's standard in developing consent orders and a rather wary of, of changing that because it's, it's worked so far and we we're affecting it again. I don't think I can write certainly much more today. The that really that.

55:49

I mean, from from my point of view that I understand it may be in a lot of developing consent orders, but I was exactly my concern going forward as well. That actually, they're not mutually exclusive, and I assume they're intended to be mutually exclusive. In the same way footpaths and footways are

56:08

and if that's what you intend, why not make them so? That's all I want to say if you want to reflect on that.

56:16

So I think we Robin sort of take up time now, we will reflect on this and discuss it with national highways and see if we can respond.

56:28

Thank you. The next point I heard was about the maintenance period of new unaltered highways in response to DCO 1.2, referring to clauses nine one and nine to a note that Cumbria county council and North Yorkshire county council wanted issues and maintenance period normal for new and altered highways to be included in the separate signed agreement. Whereas Durham County Council are asking for a 12 month maintenance period, but do not specify how this would be achieved. I mean, I'm what I want to understand is what would be the recommended your recommended approach? Would it be part of a side agreement? Or would you alter the wording of the DCO

57:12

review of the applicant? I think our preferred approach, which again is part of novel would be to keep the DCO drafting as it is and to enter into side agreements. fleshing out in practical terms, the arrangements for the handover of the handover of highways from national highways to the relevant local highway authorities and which deals with the maintenance period. I think that would be instinctively I think that would be the better approach.

57:42

Okay, well, I'll just check with the council's first

57:46

shall spark acting on behalf of Cumbria county council knees and District Council. Yes, that's that's my preferred approach and the approach that I've entered into in other DC OHS.

57:57

Thank you. You spoke North Yorkshire county council. Can I hear from you please?

58:03

The same as Mr. spash says,

58:06

Thank you. Thank you, and Durham County Council, because you actually said in your response something different.

58:18

I'm sorry, I'm gonna have to come back to you in written reps because my colleagues not to hand so we'll get back to your deadline five. Sorry.

58:27

Thank you. So I don't really have anything else to add to that Mr. Winn. So that's me done with it.

58:38

Thank you. So we'll just move on to the third point. And I've got just a few questions to deal with. Well, the first one actually isn't a question more of a confirmation. And I start with when it's first used in article 53. Sorry, I shouldn't say that. I'm going to be moving on to article 53. Now, this has been subject to the previous hearing of extensive discussion. So I will seek to move things on respect to paragraph four A and 782. Were the excise suggested that the wording, the wording would not give rise to any materially new or materially worse adverse adverse effects in comparison with dot we suggested some change wording and the applicant responded with with a with an answer saying that they were going to keep the wording as it is. Understand your position on that. Also just noting that historic England's response to deadline for does support the changing wording as the XA has suggested. As I suggested Australian there's nothing there's no question here. We accept your position. But just really to say that if the XA does disagree, and and we feel that the wording we suggested or a variation of it ought to be the wording in the DCA, we will make that change and in our suggested change the draft, or Misha draft DCO.

1:00:22

Thank you, sir. Noted. Okay.

1:00:26

So, if I could move on to the recent addition of the calling powers for the Secretary of State, this is now moving on to the second iteration, the alterations to the second iteration. So I'm looking at paragraph eight onwards. Firstly, I can I thank you, Mr. Owen for and the applicant for, for doing putting this in. I think it's a assisted a great deal in some of the concerns that were raised by the XA and others. At historic England's response that deadline for suggested that under eight a the younger the undertaker has sent to the Secretary of State that should also include relevant authorities and statutory environmental bodies. What do you say to that?

1:01:47

Robbie over the applicant sorry about the delay there. So I think the point here here is that the that those public bodies would wish to be notified of a of this event. And I think that this is something that we can make clear in the environmental management plan to explicitly refer to this referral process to the Secretary of State. And making it very clear, as to the need to notify consultees when a referral has been made to the central state. So that would be our proposal to deal with this in the environmental management plan, as opposed to in this article.

1:02:39

I'm just may reflect on that and come back to that, but just for the moment. Also, Historic England, I think noted that deadline for that. They're concerned about the practicalities of how the cooling powers would work specifically. In regard to matters concerning that, if the Secretary so go into as wording as is eight B. And here we It sets out eight b one, the time period in which the Secretary of State has and what the Secretary of State must do. But wonder if it powers the Secretary State deal with matters

where they require additional information from yourselves or require additional time to determine whether they wish to call it in. How would you how would you respond to that?

1:03:43

Robbie, over the applicant I think in the well, I think there are there are actually a couple of points here. So the first is I'm aware that Historic England and indeed I think some of the local authorities have said that a 14 day cooling process is not enough time for the central state to make their decision. I think our response to that is well, you know, the Central State is the decision maker on the DCO if therefore, they feel the 14 days is too short, then they will always change the DCO on on making decision to approve it if that is their decision. I think equally and this is perfectly common with calling of Town and Country Planning Act applications. If they need more time, then they in effect, call it in to give them time to consider the position further. So that will be I think our response to that in terms of practically that's that's how it happened.

1:04:48

So just so I'm clear, you would envisage that the Secretary of State if approaching day 14 decided that they needed either more information or more time they would just call it in they wouldn't look to say Could you provide us this? Or could you provide us that they would just call it in? Is that is a solution you want? Because if obviously, if the Secretary of State calls it in it, it rather sort of slows the process down, doesn't it?

1:05:14

Yes. So that's a perfectly fair point. It may be that we can just reflect on the wording here and and provide for the Central State to extend that period if the central state wishes to extend it, to give them more time to consider whether or not to call in. So that might be something I think we could consider. We could consider, I think, I think we do think the 14 day period itself is appropriate. And as I was just said, if the department doesn't think it isn't, and they will amend that provision in the in the DCO. But I think some form of ability to extend that period by the department would be would be useful in terms of additional flexibility. But let's take that away, sir. And we will confirm at deadline five, both in our post hearing note and if applicable in the revised draft DCO. Opposition on

1:06:07

that, and just to be clear to every everyone present and just so that everyone's clear. If the Secretary of State does decide to call in a change, the Secretary state's not bound by any time limit at that point to make that decision to to accept or not accept the change you wish to make. So the Secretary of State then decides to consult the Environment Agency for example, or Westmoreland, the furnace counselors, they will be they're not bound by any time period at that point, are they? No, they're not. No. Thank you. Thanks. Thank you, just the council's any councillors want to come back on what they've just heard. I'm going to move on to the EMP three, as I'm calling it the third iteration, but just on the questions I've asked, Is there anything you wish to come back on? Anything from the any of the other authorities North Yorkshire or Durham? As there's no hands up, I'm going to assume the nothing further to add on that. Thank you very much.

1:07:23

Can we just pause for just a second?

1:07:41

Okay, so if we could now move on to paragraph 10, of article 53. And there are still I think, some concerns from I think North Yorkshire county council on this and others, I may start with Miss spark. Is there anything from the from the councils that you represent? Regarding the third iteration MP that you want to raise?

1:08:10

Michelle Sparkassen. For Cumbria, Keynes, Council, and even District Council. Not Not today, because we had a really useful session with national highways last week, talking through the process. And we will come back with a full statement at deadline five. But just to reiterate, there was a really useful session explaining how In practice, this was going to work. And we just need to work that through.

1:08:36

Understood, thank you. As Mr. Reynolds wants to say anything on the third iteration, I think you've made you've said you've concerned about the this article in particular.

1:08:53

Yes, I wasn't able to attend the I weren't aware of of the session took place, but I wasn't able to attend. I would like if we have to bring anything else into the examination. At this point. I would like to use our solicitor to do that and she's not present. I'd like to take that away, if possible. I have nothing else to bring in at this point.

1:09:12

Okay, thank you. Just my questions to Mr. I mean, just very quickly, the one of the issues that was pulled up is just on wording on the third line of paragraph 10. We have the third iteration EMP must reflect the other enps You've used substantially in accordance elsewhere. I wondered if that's you would reflect on whether those wordings should be changed to substantially in accordance in line with the remainder of the article.

1:09:51

Robbie over the applicant. So yes, we will reflect on that and can consider whether reflected should be changed to something else.

1:10:00

Thank you. And also, the third iteration again, isn't isn't subjected to Secretary of State call in powers? And is this something that given that the third iteration could depart from the second iteration? I believe the decision is yours is at the moment as to how far that is. And then you put in the materially different lines there. Should this also be subject to the Secretary of State calling if there's a substantial difference?

1:10:39

While so, we don't think there can be a substantial difference, because whether whether the wording remains that the third iteration EMP must reflect the provisions in the second iteration EMP dealing with operational maintenance, or whether the wording has changed to something like, substantially in accordance with as opposed to reflection. Either way, the operational maintenance provisions in the second iteration, amp will find their way into the third iteration amp. So there's that close nexus between the two. And for that reason, we don't believe that it's necessary either for there to be such as state approval of a third iteration, or indeed for there to be call in because because there is that requirement for there to be that nexus, then we think, because the second iteration amp is approved by the Central State, under the preceding provisions of his article, that you don't need to go around the loop again, and

1:11:46

also take my lead from the spark about the meeting that you've had there and about perhaps there has been an explanation about how that might work and that may allay their fears. So I will leave it there. Thank you.

1:12:09

Can I just now do with the consultative provisions? And I go, Are Berta the answer that the Mao question DCO 1.4? In the answer that you guys to that?

1:12:31

I suppose you just need some clarity on this, because the can I assume so this is referring to paragraph one? Point 4.9 to 1.4 51 of the Environmental Management Plan, which deals with the approval process, if you like of the of the second iteration EMP? Am I right in assuming that these paragraphs I think your response is that because the second iteration must accord with the first iteration, it's appropriate to leave them in? So therefore, these paragraphs will not be in the second iteration EMP? Have I got that? Right. You're not seeking to put them in the second iteration? Again, because that would make no sense would it?

1:13:31

So I believe that is that is right. I mean, clearly, the consultation provisions will remain forever in the first iteration EMP which will be approved if the scheme is approved and certified. And therefore, yeah, that will govern how the second iteration EMP is dealt with in terms of its preparation. And therefore there's no need then to repeat it in the secondary tuition. And because the word that that will have performed its purpose, if you like.

1:14:07

I hope I was explaining myself clearly apologies. If I wasn't it to me, it just would make no sense to have the to have the rules of engagement, if you like in the document that still needed to be approved. So that's where I was getting from there. Now, just turning to the 20 day consultation period. Now, I just want to cover the fact that either the XA or the Secretary of State may agree with the local authorities and others, and that that 20 day period ought to be extended. Now, if the Secretary if either the XA or the Secretary of State was to find themselves in this position, how could they change it because they can't change the document. So how would the Secretary of State go about giving in shricing that the

Local authorities had, for example, 30 days or 40, whatever the Secretary State ultimately, were to decide if they were uncomfortable with 20 days, how I don't see a mechanism for how the Secretary of State could go about changing that. Because it would be contained in a document as opposed to the DCO. And your Euro call that the question in itself, suggested that perhaps the time limits ought to be in the DCO. That's not a position you share. And I accept that. But it doesn't leave the Secretary State which must wriggle room, if they decide they don't like the 20 day period.

1:15:41

Robin for the applicant. So I think that, in that situation, there is the facility during the there is the ability rather, during the determination period of this application, or the central state to right around saying that they are minded should this be the position they are minded to consider that 20 days isn't adequate, and it should be something else. And that and I'm inviting national highways to reflect on that and to discuss it with the with the public bodies concerned if that if that is necessary, and to submit a revised form of the first iteration of the EMP. And and that would then be if that was done, the version that was, in effect approved when the DCO is made and certified. So I think that there is you do see this happening in relation to various of these sort of control type documents that during the determination period, you get a minded two type letter from the Department concerned. And often one reads between the lines of the letter and it's quite clear what what it's really saying. And therefore, that that I think would be the mechanism. Short of that, then it's probably possible to put something in the DCR itself that was sort of cut across the EMP, it'd be rather messy, but that probably would be effective.

1:17:17

Well, I just wonder if you forgive me, Mr. Owen, it doesn't seem a very good use of the Secretary of State's time. If there if there was something in the DCO, which said, within article 53, at some point, whether it's another paragraph that the I don't know, off the top of my head, but if there was some, if the if the period in which the authorities had to comment to the Secretary State was in there, and the Secretary of State didn't like that time, then it would be a simple case of just him changing it. It seems to me that that by staying where it is, puts the Secretary of State to potentially additional work, which well, they might argue what why should they why should they have to do that?

1:18:07

Not really certain, I don't think that's a material concern. What I think is more important, far more important, is for the employee EMP to be self contained. And for it not to cut across what's in the DCO. And vice versa. That's what we're trying to achieve here. We're trying to get away from current practice of putting some things in control documents, some things in DC POS, and it all gets a bit chaotic. So we're trying to improve on that position. And I think it would be a great shame if if that position, I think is supported by all of the public bodies concern in terms of it, I think they now understand what we're trying to achieve here. And and I should say that, of course, as you know, that we have amended the EMP to give the ability in individual cases to extend the consultation period, if that is felt to be necessary. And I think that is in the process of being discussed and explained to the public bodies concerned. So we are trying to deal with that. And I think we feel that a blanket period of say 30 days, not 20 days just wouldn't be the right way to deal with this, particularly given the project speed considerations that you've heard much of and what we're trying to, in fact, facilitate those through this. This this EMP Device



1:19:33

Yes,

1:19:33

I think I think if there was flexibility in the MP, and I don't know if that's if you were suggesting there that that's still a matter your disk. No, it's in there already.

1:19:42

We put it in the last draft. Okay. So the last draft does allow national highways to extend the conservation period for individual consultees, where that's necessary,

1:19:58

and how perhaps you could just For the benefit of everybody here, just just give very briefly, the circumstances for a local authority to say we need more time do they have to write to net? Is there a provision that they that? Are you the arbiter of that, for examples, the National house is going to be the arbiter of whether additional time can be given

1:20:17

national highways wouldn't be the arbiter? Yes, I think the circumstances that might give rise to this will be could be many and varied. Yeah, there could be all sorts of circumstances as to why it's reasonable in any one situation to extend the period from 20 days to something else. Clearly, national highways will act reasonably, as it always does, in these situations and unfairly. And I mean, someone has to be the arbiter. And, and as part of the overall concept of the EMP, it's appropriate for national highways, we think to be the arbiter of that. But yeah, it's got important relationships to maintain, it's not going to act arbitrarily in relation to these issues.

1:20:57

The Arbiter could also be the secretary of state.

1:21:03

It could be so but I think that would be disproportionate in our view, and unnecessary given the overall framework we're trying to put in place here. We think the DCSL puts the right level of involvement on the on the sector state rather than too much. And there's also the ability of course, when the central state is considering whether to approve the second iteration and or not, there's always the facility for the state to carry out further consultation if they think that is necessary. So if, for example, as we discussed 10 minutes ago, the consultants will be told when a mass has been referred to the center estate, if those consults feel that they haven't had enough time, then they will obviously be able to tell that to the department and and try and through that mechanism, have a further opportunity to put their views forward.

1:22:05

Thank you, Australian. Just the council's want to make any comments at this stage spark.

1:22:14

Shell spark for a Cumbria Keynes Council needing District Council? Not at this stage, sir. Okay.

1:22:18

Any other local authority wants to make a comment? If I don't see a hand and I'll assume not.

1:22:27

Okay, thank you very much. I've got a hand up at the back of the room.

1:22:39

Is this specifically on the article 53 that you want to speak against? before? Before, what can I do with that in any other business base? Thank you. I'd like to I'm just dealing specifically with the items on the agenda. Thank you. I think I've asked all the questions on Article 54. Earlier in the design discussion.

1:23:38

Just picking up on paragraph two, again, as a general point, this is to article 54. Just the circumstances in which the Secretary of State may approve a detailed design that departs from paragraph one, following consultation with the relevant planning authority.

1:24:03

Is it is so for as Can I just be clear that any departure from those must seek the Secretary of State's approval? Is that Is that correct? To be absolutely clear on that if you were to depart from the prints from any of the three documents that you mentioned in 51, A, B and C, the Secretary of State must be involved at that point. Is that Is that correct? Robbie over the applicant? Yes,

1:24:25

as is correct. So cute.

1:24:33

And how would the Secretary of State be informed of a departure because there's always this set out in the EMP or PDP documents? Does it have to be in writing and at what time and how long has he got? I presume that the Secretary State has doesn't have a time limit placed upon them. But if I could just, if you could just sort of sign Post me if you will, just in practice, how does that work?

1:25:10

Robbie over the applicant in practice, what I think this provision is contemplating is that it's required to give flexibility to national highways, if in any particular situation, for whatever reason. Maybe as part of the detailed design work, it's it's found that there is the need for to seek permission for departure from the base position that article 54, one sets out, which is compliance with the design principles, the works plans and engineering section drawing. So in that in that event, in fact, article 54, two provides the facility or national highways to go to the central states and say, well, we need please to seek your consent to a departure from complying with the design principles, and all the works plans and all the engineering section drawings for these reasons and 54 to then provide a mechanism for the Central State to consider following consultation with the relevant planning authority, whether to approve that

departure. So it's it's it's implicit in in 54, two that national highways would approach the sector state seeking their consent to that departure. And and as I say, there's then built in consultation with the planning authority before any decision can be taken on that. And there is the ultimate sort of backstop, if I can put it that way that any any departure must not give rise to any materially new or materially worse adverse environmental effects compared with those set out in departmental statements. So there's not a complete free for all. It's a limited facility to seek a departure from the base position of article 54. One

1:27:13

Now I understand that Australian, what I'm trying to establish here is that where's the approval of the second iteration? EMP is quite regulated, in the in those paragraphs that we mentioned, set out the process. Here. There's no such process, it's much more flexible, the local authorities have as much time as they need, the Secretary of State has as much time as they need that I just just need a confirmation of that.

1:27:42

It is dealt with in the current drafting and a rather more sort of shorthand way, if I can put it that way. We could consider if I'm right to take the hint from you that whether it might be a bit more detailed in the process. If that's something you don't

1:28:02

want, necessarily, I'm just seeking to understand the process in which the detailed design in which the Secretary of State would be involved and and how it works. So I'm not necessarily suggesting that the wording needs changing. I'm just seeking to understand.

1:28:19

But I think so we've got to that understanding then that this this is this is what we're envisaging this sort of fairly short form. Drafting is not not unusual, of course, and the more elaborate drafting of article 53 is certainly less, less less usual. But that's, that's what we are intending.

1:28:44

And cute. Any kind of any comments on Article 54? Nope. Okay. I've got one final question for you. You'll be relieved to hear Australian just raised I think, by Historic England in deadline for submission, something that actually possibly worth you commenting on? Should there be an article or is there a provision for the bow? When you cut seek to approve the second iteration MP or D with any amendments or anything that's outlined in articles 5354? Is there a commitment for the applicant to display them digitally? I have seen requirements in previous DCA OHS where there is a requirement on the applicant to make sure that they are made electronically available is such a provision in the EMP or should it be an article additional article to ensure that they are going to be made available on a website and for comments etc, etc.

1:29:53

So Robbie is the applicant. This is currently dealt within the EMP poweroff one point 4.54 says that national highways must publish on its website or other on a public accessible website. The approved

emp, including the approved emp, is may be amended from time to time in accordance with provisions of the DCO. I think your question is slightly different. Is it in terms of whether applications state should be publicized? Is that?

1:30:27

Yes. And as much as you've got your application on the planning inspectors website, and people can comment on it. Much the same way is if the Secretary of State if when you're seeking the approval of the the second iteration of the EMP, will that be made available for not only local authorities to comment on it, but the public to look at if they want to? As I said, the second iteration, alterations if the Secretary of State calls them in? Will they be? Uh, is there a provision to make these acceptable digitally, so and for a period of time that they're they're left up is, you know, the modern world now. I think people obviously want to move away for copies in libraries and stuff. And I just wanted to to confirm whether that provision is in there. If it's not, perhaps the MP just needs to be updated, just to ensure that that's the case. Or failing that an additional article, but I suspect you'll be favoring an EMP paragraph, perhaps just to make that clearer.

1:31:38

Robbie over the applicant? Yes, I think that is likely to be what we would prefer. I'll take that away, sir. And we will confirm whether we think the EMP needs a further provision, focusing specifically on the process involving the Central State and approving the approval process.

1:31:57

Thank you very much. That's all the questions I had on the draft developed consent order. Does any other party want to make any comments? On the remainder of the DCO? No hands. Again, this is about the development consent order counselor, I will come coming to the next item do bear with me. No hands on line, no hands here. Okay. So that concludes the main part of the agenda that we had for today. We now come to any other business. And just before we, before I invite anyone who wants to speak. I do want to obviously say to all interested parties that many of you have made written representations more than one, the XA has read all of those we have we are fully aware of the things you've had to say. We've also had a number of this is the third issue specific hearing that we've had, we had two in last year, where a number of issues have been discussed on a wide range of topics. So please be aware, of course that the set the examining authority is fully aware of concern of the concerns you may have or comments that you have on the application. So I'm not necessarily inviting comments at this stage that we're going to repeat those, because we already have them. But I do know a number of you want to say some some words on other matters. So does anyone wish to speak I'm going to start with the counselor in the room at the back from Kirby Thor. A bear in mind as I say, we do have all your comments in written form. Is there anything else that you want to say on top of what you've already written? Yes. Okay, you

1:33:54

lines. Thank you very much. I've been the counselor Kirby floor for 25 years.

1:34:00

Just why is the microphone actually work? Better? Thank you. Yes,

1:34:04

I've been the counselor for Toby Thor for over a quarter of a century. And generally, over that period, there's been an average of 12 deaths every year. Parts of the age 66 are still based on a 15th century contract. It's a crucial economic east west road, but Great Britain. And as such, it should be recognized and kept ready for the British economy. Thank you.

1:34:38

Thank you very much indeed. I've got two hands up online. Ross Evans. And then Abby North Ross Evans, please.

1:34:49

Just trying to get my camera on. Which doesn't want to go on.

1:34:53

Fine if you can't get that on,

1:34:55

right. Okay. I'm very conscious of what you said about not repeating things that we've submitted online. I was at the December hearing and then submitted something. My My question really is, is then what happens? I mean, I did eventually managed to track down an answer from the highways England to one of the things I said, I didn't actually understand some of the the words that were used there. And also in the December meeting, the inspectors requested more information. It was about the rugby, turning about the noise pollution. And I think the request was for a more granular report on on the roads and the noise pollution. I have no, I don't know how to to work out whether that has been given or not. I have emailed this afternoon to see if somebody could tell me, I can't find it on the website, because the website is just far too big for me. So you've got another deadline? I'm not actually quite sure what I should be doing. Because as I say, I've had a reply from highways England that I don't really understand. And then also on this noise pollution, I don't actually know whether the answers to those things are there already, or whether I should put something in so I feel a little bit stuck.

1:36:30

Okay, what I'll do is I'm going to collect the comments that I have, and then I'll ask perhaps, Mr. Arvind, to respond to all of them. And perhaps he can answer specifically to the point you've raised. So if you can just hold on. And we will. Miss North? Again, I'm remind you, please, I don't need to hear anything that you've thought has already been said. So would you like to add anything, please?

1:36:59

Thank you. Yes. I just sort of wanted to take the opportunity to ask, as I've said about this has been off and I am here with the representing the Gypsy and traveller community and in relation to the brothel fair. I've heard I've heard a lot today. From different people saying they've had very helpful conversations with the applicants to resolve some of the issues. Could I please ask for your commitment today from the applicant, that we will be consulted properly consulted in terms of protecting the intangible cultural heritage issues, and the equality assessment in in with the

environmental management plan, please, can I can I get a commitment that we will be consulted with? In order to achieve that, please, that's what I'm looking for. Thanks.

1:37:42

Thank you. I'm sure the applicants made a note of that. And as I say, I will come back to Mr. Owen to answer those points. Mr. Patmore, please.

1:37:53

Hello, thank you. I would just like to ask for some clarification, if possible, to do with design and landscape item two on the agenda. In Kirby thorough by the way I'm cancer could be thought when you came out to the site visit on Tuesday, and we're at done fell view, which we asked you to have a look at because of its height above the new road. Subsequent to that you've asked for two cross sections, one going up the green lane and one going up priest lane. I just wondered if there will be value in having a cross section going from the high point of done fell view down behind the school parallel to trot Street.

1:38:37

I think we've done that.

1:38:41

You've asked for one to go along priest lane, but not down past the school to the point behind the school.

1:38:59

Thank you, Mr. prizmah. Again, I'll I'll make a note of that. And I'll ask the applicant to respond. Thank you. Thank you. Miss horn.

1:39:12

Caroline horn on behalf of the Heron family. Just quickly, I know I briefly mentioned the alternative site that was raised at the site inspection. I would like your response as to why that hasn't been properly consulted on and why or the members of the local community or the wider scheme even know about it. And also I need to understand the position with regards of the ownership and management of Bruff Hill site. I think the position has slightly changed. I would like some confirmation of how this is going to be dealt with. Thank you.

1:39:55

Thank you, Mr. Vanderlande.

1:40:02

Thanks. So just two requests. One is that we get a cross sectional drawing of section 0102 hyphen one B across the roundabout, including my clients land, Penrith, properties 0120201 20, and also a longitudinal section of 010203, which is the slip road coming off them, that the motorway up onto the roundabout so that we can understand the limits of deviation effectively. So

1:40:41

So could I just ask Mr. Vanderlaan to start a game because he's given the numbers out very quickly and we can't write that quickly. I'm afraid I can't do any writing. So if you just if you Well, if you could just take it more slowly please and and explain what you want us to do.

1:40:59

Sorry, Australian, my apologies. Sorry, it's in relation to plots 010201 20 which is the Penrith properties land. Whether we could have a cross sectional drawing across across works 1012 Sorry, 0102 hyphen, one B, ie the roundabout, which includes the Penrith properties land, and a longitudinal section of 010203, which is the slip road coming up from the motorway. They're both excluded from the existing documents. Thank you.

1:41:41

Thank Thank you, Mr. Vanderlaan. Okay, so Oh, another Yes. Another comment from and again, I'm looking for any come any further comments, please.

1:41:59

parasol parish council. Recently, we've had a consultation from national highways on 36 changes to the route including several around Kirby. So we're just wondering at what point we comment on those to you or whether they're still off the table. As far as you're concerned.

1:42:19

They are still off the table, we do not have those before this examination, we do not know what the applicant will put into us. We are aware of course of a consultation document that's out there. But what the applicant does, and what they eventually put in is a matter for them. So we can't get involved, certainly until they table to ask what changes they're seeking to make. So at the moment, any comments are to the applicant only at this stage. Mr. Salvin? Very quickly.

1:42:49

Thank you, just as everyone else has been putting in requests, could I make a request for a visualization or a photo montage, I'm not really bothered which of the proposed underpass at St. Mary's Church rugby, and the mini roundabout that is proposed that the existing c 165 a 66. Junction. Thank you.

1:43:14

Thank you very much, Mr. Silva. And, Mr. Owen, I will I mean may at some of these, you may want to reflect and consider whether you wish to do them or not. Or may you may see value in doing them. I will give the floor to you. What else would you like to? How would you like to respond to what you've just heard?

1:43:36

Thank you. So Rubio and for the applicant at dealing with those points in order. First rose Evans. I'm sorry, she didn't understand what we provided to her. I don't know whether she's come back to us asking us to explain further, but if she hasn't, she's very welcome to email the a city six email box and we will do our best to respond to her request for clarification.

1:44:06

Just before we go on stolen, if Miss Evans is listening, the response from the applicant is in the exam library on our website and IS rep three dash Oh, four four.

1:44:22

Thank you, Mr. Humphrey. So I mean, if Miss Evans could contact us, and we will do our best to explain or provide the clarification that she she seeks in relation to that response that she's had. The second point she made, I believe, is probably a reference to the further piece of work that we committed to do in the second issue, specific hearing last year, I think in relation to the sills. And in Bonner castle, and that was provided a record deadline to that may be incorrect. I've just been trying to find it in examination library.

1:45:07

I see is that was that wasn't that was the reference I just gave? It is read three, right? Four, four.

1:45:13

Okay, I was the first point of that I was wondering was I think Ross Evans was referring to something else with center. But I'm not sure that actually, what was sent to her was that sills report or whether there's something else that was sent to her, which she didn't understand. But clearly, I wanted to say that, that piece of work on noise pollution, as she put it, has been submitted. So should we leave it that we will contact Roz Evans and try and clarify these things with her? And if she hasn't had that assessment in relation to the sills, we can provide that and discuss it with her and hopefully that will assist.

1:45:54

Just before you go on. Mr. and Miss Ross, Ross Evans got her hand up again. Mr. Evans,

1:46:02

yeah, I just go on the website, I put in rep. 304 is dash 2044. In the search, I don't get any results. So I'm still a bit

1:46:12

maybe suggest that perhaps you contact the case team at the planning spectrum, and I'm sure they will,

1:46:18

on email.

1:46:23

You broken up your breaking up sevens I'm not able to hear. But I think the easiest way there if you're able to contact the case team, the planning inspector, and I'm sure they'll assist you in navigating the website. Thank you very much.



1:46:36

Thank you, Robbie, I'm for the applicant. Next in relation to what Abby North has said. There's been extensive engagement with in consultation with those she represents and that will, I know, continue in relation to the specific points she made about cultural heritage impact assessment and equalities, impact assessment. I'm not going to give a commitment now to consult further specifically in that because that those are technical areas where our conclusion may well be that we've done everything that is required, and there's no need to carry out further technical assessments, that that's obviously different from continuing to engage with those who represents in relation to the replacement site for Bruff. Hill fair. But that engagement will absolutely continue, as it has been in the past. But I think we will, we will. I'm reserving opposition right now today in relation to the technical areas of cultural heritage impact assessment and equalities, impact assessment because at I believe that we've done everything we need to do in that in those technical areas. So that's opposition there. In relation to Mr. Patty Moore and the additional cross section. Damn, Pastor Scott Kirby thought it may be I can't admittedly myself picture that. I don't know whether Mr. Carey has a view on on whether that is okay to add as basically that would be a fifth, wouldn't it across.

1:48:14

So Paul, carry on healthy, I think I'd welcome perhaps to take it outside of the session content is to try to understand why that would be. But in principle, we could do a session if we can get clarity as to where exactly means but

1:48:27

I think my understanding what he was looking for, was if you take the very helpful map that you did for after lunch with the green arrows on it, and you had positioned to which the the line two, which is what we asked for, I think what he's asking for is a almost from the same point, but heading in a more northerly direction, cutting across from the school, upwards through the field. So as the best way I can describe it at the moment. Taking it more in a I think the the, the current one we asked for number two is more westerly. If you can imagine a sort of northwesterly I think that's what what Mr. Hanley Moore was actually asking for.

1:49:10

So so when we were on the poor character, the African women on the ASI, when we sit at the field gate, looking perhaps northwards towards cross street and aligned to cross street, towards the junction of the bridge

1:49:23

to make Kobe so he's wanting to get the view from Dunnville view to the point where the road is still at grade, as it's as it goes past the back of the school. So that's where the the biggest problem with the levels we think might be that the road is a grade, and then the Dunnville view is above it.

1:49:47

Yeah, it is. It's almost, I would almost say it's halfway but not quite halfway between the two green arrows is what I'm what I'm about 1130 on the dial, so you contact them them outside and verify.

1:50:03

Also, we will do that. And hopefully, we can establish precisely what he wants in time to reduce it to the same time scale as the other cross sections that we discussed earlier. Next, Caroline horns points, we will set out in our post hearing notes, the position in relation to alternative sites that have been put forward for the relocation of Raphael fair, they have all been properly considered, I can absolutely assure you of that. But we will set out in our post service submission, how the sites have been considered, including the one put forward by the heroine family. And we will also give further clarification to the extent we think is needed in relation to ownership and management of the proposed replacement site for Brockville. Fair, that, that that's an ongoing issue that there hasn't actually been a change as such. Miss Horne referred to I think she said there'd been a change that we will, in any event, clarify in the post hearing note, what the proposed was saying, well, the current position is in relation to future ownership and management of that replacement site. Mr. vandal lands request and thank you for repeating those identities see why they the additional cross section and the longitudinal section should be a difficulty. Mr. Carey, is that something that can be done by deadline five

1:51:43

misspoke area for the applicant so so plot 010201 20. And I believe the section that we discussed yesterday that we made a commitment to already so yes, in that regard, and in respect to the long section of 0102 Dash 01 Dash 03 on the slip road, I see no reason why we can't provide long section as well, in that regard.

1:52:07

Thank you, Mr. Kerry. And then last but not least, Mr. Salvin. was wanting a visualization or a photo montage in relation to the St. Mary's Church underpass at Rugby. And I wasn't entirely clear whether this was the same visualization or or separate second one relation to the roundabout. I'm aware that even visualizations take a while to organize. And I think we've need to reflect on on that in terms of whether that's something we can do and if so by when.

1:52:42

Thank you very much for that. So that's concludes any other. I think all the parties have said what they needed to say. I do need to go through action points. Mr. Owner, we are very conscious, it has gone half past five, but I don't suppose anybody has any appetite to adjourn for today. And I'm back and do action points tomorrow. So I do propose that we do action points. But I just wondered if we just welcome a perhaps a five minute comfort break before we do that because that might take a few minutes to go through. So I'm sure you'll be very keen to go through them as quickly as you possibly can. So it also might allow parties if they want to leave at this point that they can do so we're just going to take a short five minute German just to allow for people to as they need to a comfort break of any description or a quick drink and we will resume in five minutes time to go for the actual points.

2:02:30

Yes, you can. There we go. Okay, just gone quarter to six. So let's just resume. And we've just got the action points to do. Make sure that we're all clear on what needs to be done, there's going to be quite a bit less so we can try and proceed at pace throughout Australia and that would be much appreciated Australian.

2:02:51

Robbie over the African. Thank you, sir. So, first agenda item 2.1. At 1055. We agreed to provide a note in relation to the precedented use of visualisations in relation to nationally significant infrastructure projects. next agenda item 2.2. At 1125. We agreed to provide on a sort of without prejudice basis, if you'd like wording for you to consider in the context of article 54. And Central State design approval of the three products we were discussing this morning. Thirdly, we agreed in relation to agenda item 2.2, again at 1127 to provide some form of mapping, perhaps in the form of a table, but we're reflect on that in relation to those provisions of the Environmental Management Plan and the project design principles which bear on particular structures, which is on the like, next generation 2.4. At midday, we agreed to provide originally it was for additional cross sections, sort of line and line and level drawings in relation to the scheme of COBie thought. And we've just agreed in relation to the request by Mr. Patmore. And that has now been agreed in the short of Germans a fifth cross section, which was rigid, which is, in essence midway between those two green arrows. So there'll be five cross sections provided. We will also this arose at the same time provide more information on the mitigation planting purpose ovals agenda item 2.6. At 1216, we will provide a response in relation to the request for a materials palette. Agenda agenda item 3.2 at 1223 and onwards from there, we are going to respond in the post hearing note in relation to all 11 of the ecological mitigation areas with reference to the particular issues which are driving your consideration of this, if I can put it that way. And we will submit at the same time the the plans we showed today in relation to the two areas but we also got plans of the other nine, I understand the been prepared as well. So, we will submit all 11 plans alongside our response on those 11 mitigation areas.

2:06:05

The related issue that arose in the case in the question of planting requirements and the conversation we had with Dr. Leeming your member was was was we will we will deal with the position in relation to the planting and the the whole issue of broadleaf against conifers.

2:06:34

The next item, so I'm just looking at my notes here there was an issue I think in relation to one of those areas. The doctor leaving area 0102 Dash 01 Dash three, four. We've obviously agreed to consider further the alternative proposals there, which we will, we will do. Next we have agenda item 3.3. At 1403. To 1406 was my note, we are going to explain opposition motion to mitigation maps and whether it's mitigation or restoration, there was that issue, which arose. And I think at the at the same point, Dr. Martin raised the concern about lack of treatment of biodiversity issues on in relation to the scheme that she's particularly concerned with. So we will we will comment on that. Agenda Item 3.3 1408. Mr. Nicholson raised that question about the extent of mitigation land and whether it was yet fixed. And and I said we would cover that in the poster a note for yesterday's C H two. Then in relation to agenda items 4.1 and 4.2. The discussion we had, including with Dr. Boswell, this was between 1420 and 1457 We will provide a number of things in relation to those those two items of the agenda relation to climate. And as part of that we will respond to those points put in by Dr. Boswell that we think require a sponsor, we will indicate where we don't think a response is needed. And equally, we will also respond in the same in the same way to what Dr. Wilshaw said today in her shorter dress. So there were a number of

sub items there, which I actually haven't myself made a detailed note of. But we if you're content for us to leave it at that Mr. Roscoe?

2:08:50

I am Mr. Oh, and yes, I'm in the particular ones that I have got noted are the de minimis situations that we talked about. And also the emissions factor through to 2030 all the way up wherever it happens to be. But I think it would be useful if when you're looking through if there was if there were other things that you feel could be expanded in terms of that particular section, as I've said before, then please do

2:09:13

yes, certainly we will do that.

2:09:22

Then there was generated in 5.1 at 327. Caroline horn raised the point about land to be returned and and that depended on the modeling output. I think that was flood compensation areas, wasn't it? So we will respond to that. And I think there was a separate point my note indicates in relation to those and Stembridge farm area, I can't immediate recall quite what that point was.

2:10:00

I think I think this this was a separate flood zone opposites damage. I think there are there are two different flood storage areas that Caroline horn was concerned with we will cover both one west of walk up junction and the other on the on the on the bow scheme

2:10:20

thank you the agenda item 6.1 at three 347. We will confirm the position in relation to the operational diversion plan or plans, whether they will be contained it and therefore, in fact secured by the requirement to have a third iteration EMP. Again, agenda item 6.1. At 1600 hours, we will provide clarity on the issue of the shared private means of access and public rights of way with reference to safety, security maintenance considerations in particular. Again, agenda item 6.1 at 1604. Mr. Salvin required clarification, I think it was relation to assigning issue for plot 080301. Agenda Item 6.1 again at 1609. We will update the position relations of traffic modeling at Penrith. Agenda Item 6.1 at 1611. We will confirm the assessments and appraisals that have been done in relation to the proposed highway access to the to the Divi site for the Brookfield fair relocation. Agenda Item seven at 1616 27. We will respond to the point by Abby north on behalf of Brookfield fair in relation to both the concerns she expressed on cultural heritage but also a little bit later. This was in relation to equalities, impact assessments. So we will cover both those often and clarify our what we've done in those both in those two respects. Then again, in relation to Agenda Item seven on heritage at 1632 that Mr. Salvin made a few points which we will respond to. We then have some points on the DCO Item nine. So firstly at 1642. We're going to consider further the issue of the cycletrack and cycleway definitions. And then, in response to the discussion, Mr. Allen, we had 1651 we will consider the ability under Article 53 for the federal state to extend the period within which the 14 day period within which they decide whether to call call calling or not. And we will also relation article 5310 Consider whether reflect should be changed to substantially in accordance that 1716 Again, agenda item nine we will consider whether to amend the first iteration of environmental management plan to require the local authorities and the other public

bodies to be given digitized information about the submission to the central state for approval of the second iteration environmental management plan. We then under EO B item 10. In relation to Ross Evans, we will contact her or she will contact us either way we will we will have a discussion with her to clarify what it was that we sent her what she didn't understand.

2:14:07

The point made by Abby north in effect, I've covered that earlier. When I sat down under Agenda Item seven seven we would respond to the point she made about cultural heritage and equalities impact assessment. The next point was Caroline horn. We will provide detail of how national highways have considered all of the alternative sites including the site put forward by the Heron family for the Brookfield fair relocation. We will also set out the current position relation to ownership and management of the proposed replacement site for Brockville fair. Mr. Van DeLand Penrith properties we will provide in relation to his plots 010201 20 the cross section Cross work 0102 Dash, one B and the longitudinal section of work 0102 Dash 03. And then, finally, we will consider what if anything we're able to do in remaining time available by way of a visualization or a photo montage in relation to Mr. salvages requests relating to St. Mary's Church underpass, and the roundabout he also referred to. So if I can just pause and consult my colleague, to see if I've covered everything

2:15:49

so I think I've been told that's everything from our side. And if you've got any additional things

2:15:54

now, I think I think we're, we're aligned on that. Okay, Johnson staska.

2:16:12

There was just one thing, Mr. Owens, and that related to when we actually started. And it was something to do and do about Mr. tympani, talking through rep one, double 09. And I wasn't quite sure what that was. And it occurred just before 1035. And it was said by him actually, that it would be explained in a post hearing note, and because I couldn't quite think what it was when we were working through. I didn't say it at the time. But I thought I thought back so I'm not sure whether I've written down phn, which is posterior note with a T next to it, which is Mr. timpani. And then it was you said that he was going to talk through rep one double 09. I can't even recall what one double 09 is off the top of my head, but I just put it out there. If there is anything on that, then you may wish to respond on it. It may be that I've made the wrong note or whatever.

2:17:21

So Robbie, over the applicant. I don't that that is ringing a slight Bell I'm being told it might be I just

2:17:28

put it out there. I'm not. I'm not wishing to have a discussion about it now. And if you can look back there. Okay, well,

2:17:37

we do that. So thank you.

2:17:39

That was the only one.

2:17:41

I've actually been told we can probably

2:17:43

do it now. I don't really

2:17:47

want to do it. Okay. Well, we will we will we will deal with it. So yes, yes. Thank you.

2:17:54

Mr. Pasmore, you've got your hand up is that we've done any other business.

2:18:01

In the list of action points. I was missed out the cross section done fell view down past the school in parallel with cross street.

2:18:14

I think you may have missed that. That was definitely covered. But I will just give me starting the the opportunity just to confirm that. Okay. Your cross sections you requested. We're definitely on the action point less. But yeah.

2:18:28

Thank you, Mr. Allen. Yes, Mr. Patmore. During the shorter German, we had 10 minutes ago, discussion took place with some of your colleagues on the council. And we've agreed to provide the additional cross section you've requested, which is in essence midway between the two cross sections for me that green V on the plan that we were displaying earlier. So that's been agreed and will be will be provided.

2:18:54

That's great. Thank you very much.

2:19:00

Thank you. So if there's no other business, I will just remind you that the timetable for the examination requires parties provide any post hearing documents on or before deadline five, which is Tuesday, the 14th of March. I also remind you that the recording of this hearing will be placed on the inspectorates website, as soon as practicable after this meeting. It's going to do that as well. But if you want

2:19:29

to come,

2:19:33

he just said just at this moment and the rest of the team and others in the room just to thank you for your contributions throughout the day. It has been helpful, and we appreciate it. Thank you.

2:19:42

Thank you, sir. Yes, indeed. And as as this is likely to be the last time that we will meet and of course that will depend on you and your change request and whether they trigger the CEA regs or not. This is likely to be the final time that we will meet so and also to all parties listening to just to thank you very much not only for your attendance today, but for participation and contribution to the examination, which has been extremely useful to us. We as we always well, we should consider all the responses carefully. And it will inform our decision whether to ask any further questions at the appropriate stage. So, again, just to say thank you very much for your participation. It's been a long day. Thank you for bearing with us. It's now five past six. And just to make it very clear, we're not going to be going into tomorrow so we will be the more matters are now concluded today. So at five past six, this hearing is closed. Thank you